THE

Conformist's second Plea

FOR THE

Nonconformists.

WHEREIN

The Case of the *Non-Conformists* is further stated; and the Suspension of the Penal Laws against them, humbly moved with all due submission to the Magistrate.

By a Charitable and Compassionate **Conformist**:
Author of the former PLEA.

Sed neque Imperiale est Libertatem dicendi denegare, neque Sacerdotale quod sentiat non dicere. S. Ambros. *ad* Theodos. *Ep.* 29.

— There hath been left, for any thing I find to the contrary, in all well-govern'd Polities, a kind of latitude more or less, and power in the Magistrates, even in those Courts that were *Strictissimi Juris*, upon fit occasion to qualify and mitigate something the Rigor of the Laws by the Rules of Equity. Bp *Sanderson's Sermons*, 1 *Vol. p.* 112. *Ad Magistratum.*

LONDON, Printed by *J. D.* for *Jonathan Robinson*, at the Golden Lion in St. *Paul's* Church-Yard, 1682.

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To all that are entruſted with the Adminiſtration of Juſtice, and Conſervation of the Peace, by what Title ſoever they are honoured;

The Charitable and Compaſſionate Conformiſt, doth moſt humbly preſent theſe Papers.

Noble and Worſhipful;

NO Cauſe can come before you, wherein you are ſo nearly concerned, as you are ſincere Proteſtants, than in this of the Diſſenting Proteſtants, becauſe your Religion is touched and concerned in it; you cannot hurt that in any ſound part of the Profeſſors of it, tho in a few things differing from you, but very ſenſibly, one of you muſt be affected with it; and what you do to them, you do to your ſelves, and your own Religion, except you account Life, and Soul, and Body, to be nothing without Formalties. As you are Gentlemen of noble Birth and Education, and as Perſons of Eſtates, and of Hoſpitality, of Wiſdom, Juſtice, and Experience, you are moſt obliged with all Skill, Judgment, Tenderneſs, Mercy and Impartiality to give your ſelves true Information, in the ſtate and deſerts of this great Matter; and ſo to proceed with them, as ſhewing a Copy of thoſe Characters of Vertue, impreſſed upon your Spirits in your Proceedings with them. As Gentlemen by Birth and Blood, your Extraction derives to you the moſt amiable Qualities, and pureſt Endowments of human Nature; this Extract of noble Nature ſublimated by ingenuous (much more by pious and chriſtian) Education, muſt needs diſpoſe you to a nobler kind of Behaviour, and a greater Benignity, than inferiour Perſons of a courſer and more mixed Metal. A truely vertuous Gentleman, comes neareſt to the true gracious Chriſtian: but when the true Gentleman is become a true Chriſtian, then even Enemies and Offenders, may expect much more than Humanity from him. You are not troubled with Parricides, Murderers, and Robbers, not with obſtinate Hereticks, nor with perjured Perſons, (but ſuch as fear an Oath) nor traiterous equivocating Jeſuits, when the Nonconformiſts are brought before you, but with Men of an ingenuous Education, and what they want of a noble Birth, they have made up in the better ſort of natural Endowments, improved by liberal Education, advanced by Grace, and preferred to be the Miniſters of God, and therefore in a ſort your Equals, as in other reſpects your Inferiors, and therefore worthy to be treated with a due reſpect. They may expect from you the higheſt Civility, patient hearing, the calmeſt Arguing, Courteſie and Condeſcenſion, and an extream unwillingneſs to act nigh to a Rigor. You ſhould ſooner from a Generoſity proper to your Degree, give them what they want, than take from them the little which they have; and be as much troubled to ſend them to a Priſon, as to be ſent into one your ſelves. He that

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can easily be ſevere, or cruel, hath put off Humanity, and doth act with great Negligence and Forgetfulneſs, and is ſo far unfit to act. If a Man be a Priſoner of War, at the Mercy of a Gentleman, the Gentleman conſidering what he is himſelf, acts like himſelf, and uſeth him as a diſtreſſed Friend, that was but a while before, an open Enemy. The Nonconformiſts for whom I plead, are your own, if you pleaſe to think them ſo, and you may with as much eaſe, and more honour, with leſs trouble, and more ſafety, and comfort, make them your own, than diſown, and uſe them as tho they were your Enemies. As Miniſters, they have choſen a Calling which the Prince of Darkneſs hates, and perſecutes; they need your Countenance and Succor, againſt the Powers of Darkneſs; their buſineſs in the World, is rightly to inform, to better and ſave the World; they deſerve your Aſſiſtance and Prayers for ſucceſs. Had they choſen a ſecular way of Life, they might with the ſame Education and Parts, have filled and adorned other Seats as well as the Pulpit; had they all turned Phyſicians, Lawyers, States-men, as ſome have done, or to other Trades and Arts, they might have had a greater Plenty, without diſturbance, Dangers, Loſſes, or Indignities: But ſhall all theſe Miſeries and Afflictions come upon them, First, Becauſe they cannot change and deſert their Calling? Next, becauſe they cannot be idle or unprofitable in it? Conſider, and compare them diſhonoured and afflicted, with your honoured ſelves: Are you Chriſtians? ſo are they; are you Scholars? ſo are they: are you Gentlemen? they come not far behind you; are you Proteſtant Magiſtrates? they are Proteſtant Miniſters: The difference between you is, you are in Power, and they are out of Favour: I will not ſo far diſhonour you, as to compare you with thoſe infamous, broken, ravenous, vile ſort of Men, that witneſs againſt them. If I may not be pardoned thoſe Epithets, I will prove that, and much more, of many of them. But noble Sirs, how much beneath you is it, as Men of Honour, to give Countenance to many of ſuch, as are not fit to come within your Doors, except to receive Juſtice from you, againſt any that have the unſtained repute of honeſt Men, only becauſe they are Preachers of our ſame common Faith. But noble Gentlemen, let me compare the Informers, and them againſt whom they witneſs (and for whom I plead;) the one is a Teacher of the way of Life, the other is ignorant, or walks in the way of Darkneſs; the one makes Conſcience of an Oath, and of his Word, but the other knows not what an Oath is, and fears not to be forſworn (I ſay nothing in this Oppoſition Oratorically, but truly and upon Proof) the one ſtudies, knows, and performs his Duty to God, and his King, and to all Men according to his Knowledg; the other knows neither, and makes no Conſcience (in appearance) of either: he is for the King and you, but as he is for the Devil, for what he can get by his Service; he is ungodly and profane, a daily Tranſgreſſor of the King's Laws, as well as God's; and more than one have been cut off by the Sword of Juſtice, having firſt been rejected by all honeſt Men; the one lives a poor contented Life, praying for his King, and for all orders of Men, and praiſing God, fares hard, and goes meanly, whileſt

whilſt the other runs in debt, cheats his Creditors, ſwears and damns, and robs on the High-way, or breaks open Houſes. In a word, the one walks in the way of Godlineſs and Honeſty, and labours to draw others with him; the other neither goes in himſelf, nor ſuffers others to enter that would. And behold, and be aſtoniſhed ye Heavens at this! the one is in danger of loſing all he hath, and ſuffering becauſe he hath no more to loſe, for labouring to ſave Souls; and the other hopes to be rewarded with a third part of many of his Neighbours Goods. A ſurer way it is to turn Informer, than play the Thief, or cheat his Creditors; but all hath not done their Work: the end of many hath been according to their Work! All this is ſpoken of ſome of them. You are Gentlemen of Eſtates, and cannot think that the ruine of thouſands of Traders, Farmers, Tenants, yea the impoveriſhing of many of good Condition, can be a Service to the Common-wealth. If you do not ſuffer an immediate Loſs, yet hundreds will, and what is a Loſs to ſo great a part, will be an impairing of the whole. That great States-man, Sir Walter Rawleigh, *in the Parliament* 35th *of* Elizab. *ſpake theſe Words:* I am afraid there is near 20000 of them (the *Browniſts*) in *England*, and when they are gone, who ſhall maintain their Wives and Children? *Had there been but* 20000 *Diſſenters in* England, *they had been rooted out before now, if ſome had prevailed! But who ſhall maintain a far greater number of Wives and Children, when their Husbands and Parents are undone by the Penal Laws? And who will get by it? not the King; his third part, if come into his Exchequer, will not countervail the loſs of his Subjects. What have the Poor got this many Years? or what have they got, that could neither keep, nor get, nor pay their Debts, before they took to Informing?*

Hiſtoric. Collect. &c. of the 4 laſt Parliaments of Q. Eliz. *p.* 76. *by Mr.* Townſhend.

As many of you as are Gentlemen of Hoſpitality, relieve many poor at your Doors, or other-where; can you think it a Charity to relieve Beggars? and iſſue Warrants to make many Beggars; that either cannot dig, or beg, or that keep many to their Labours, that elſe would beg? that bear their Burdens in the Common-wealth, and are no burden to it!

Your Place and Office requireth Wiſdom. And I may be bold to ſay, That the Renowned Sir Matthew Hale, *was as wiſe, as ſtrict, as juſt, as able a Lawyer as the ableſt of you all that keep the Chair; it is no diſparagement of the learnedeſt and graveſt of you all, to take him for an Example, whoſe* Moderation *towards* Diſſenters *is a part of his noble Character; you have known what hath been the concurring ſenſe of all our Parliaments ſince* 1672.

See his Life, by Dr. *Gilbert Burnet.*

If none of theſe ſhall be your Precedents, I beſeech you be pleaſed to conſider, it is your Wiſdom to underſtand the Duty of your Places, and the Matters that are brought

brought before you; especially in Cases that concern the Liberties, Livelihoods, and Estates of many thousands in the Land. I humbly conceive you cannot with a clear Conscience proceed against the Dissenters, *except you understand, 1. The matters for which they suffer, and that you may see in several Writings. 2. Attend to the scope and reasons of the Acts, upon which you proceed. 3. Distinguish between Preacher and Preacher, between the sound and the unsound, and other Circumstances, and choose rather to give up your Commissions, than to act against God, and your Conscience, by punishing Well-doing, as if it were Evil doing. That Preaching and Praying which tends to Men's Salvation, and to no evil end, either to the King, or his Government, cannot be punished safely, without being accessary to the evil Intentions of those designing Men, who were the Politick Promoters of those Laws, nor without great obstruction of true Godliness, and of a most desirable Union among* Protestants. *4. You ought not to act like meer Machines, or irrational Instruments; If so, the Weak and the Rash, that can but write their Names to a Warrant, or a* Mittimus, *might be as fit as you, for your Offices: but as Men of Understanding, Wisdom, Conscience and Religion; and if the Laws are hard, and too severe for meer Nonconformity, be Intercessors with the King and Parliament, for his Subjects, and your fellow Christians.*

As Just Men, Try the fitness of the Witnesses, whether they are Boni & Legales: *Punish not Religious Assemblies of peaceable Men, under the odious names of Routs and Riots; and let not the sound, profitable, and peaceable Preachers, be ruined with a measure of Punishment, only due to the turbulent and rebellious. And if by many Years Experience, you find no Sedition or Disturbance to the Kingdom, only to the minds of some that are too controversially disposed to Passion and Contention, or if you find it only to be a Schism, a Church-matter, leave it to the Church-Men to judg it according to their Law. If you maintain the Civil Peace, you are happy Instruments in the Government, and what more is required of you?*

Noble and honoured Gentlemen, I do not presume to dedicate this as to Patrons, but humbly offer and submit the Reason and Argument to your Consideration, and suggest two things. 1. If we believe a Catholick Church, of the same Faith, in different Forms and Modes, why shall not our Fellow-Subjects and Natives, professing that Faith in a different Form, share in your Charity, as parts of the Catholick Church? To love them, as Christians of the Catholick Church, and of the same Faith, with our National Church in all things; and yet punish them that preach Catholick Doctrine, and observe all the Ordinances of the Catholick Church, is an odd kind of Love and Charity. 2. If there be any among us that are holy, sanctified Preachers, and Hearers, they shall be saved in the last day: You know the Process of that great day of Judgment, for what Causes the unrighteous shall be condemned: —— I was naked, and ye cloathed me not; in Prison, and ye visited me not: *Mat. 25. 43. O how will it agree with this, to say, I was in Power, and I executed the Laws, to distress of Goods, and Imprisonment, to Banishment, to Abjuration? How will it sound in that Day, I was in Prison, and ye committed me; I was banished, and ye banished me; I was impoverished, and ye impoverished me; what ye did to the Preachers whom I sent, yet did to me:* —— *When you shall be judged, what will you plead, or how can you pray,* Thy Kingdom come, *and obstruct the coming of it, to any People in any place in the Land? If there be nothing in what I humbly offer, reject it? if there be any Conviction in any thing, be pleased to consider of it.*

Philagathus.

THE Conformist's second Plea FOR THE NON-CONFORMISTS.

IT must be confessed that there is some turpitude in all Apologies, either imputed or committed. To Preface a Book with an Apology, when the matter is good, is to put a foul face upon a good matter; but then, it is a foul face only in some Men's Eyes, which are diseased, and will appear, if not beautiful, yet tolerably handsom, to the eye of them, that look for nothing perfect and free from humane frailty, and that make daily use of a Towel, and fair Water themselves. Plead for my self I must, and I shall make some requests with my Pleas, that so if I may not come off without guilt and blame, I may come off with my Pardon.

I did not think the Reverend Non-Conformists so few or weak, as to need an Advocate, in some things, of another Judgment, and so far, of the other side; for as they are most sensible of their own condition, so they can both rationally, and pathetically, open and plead their own Cause, and in my mind, they have said a great deal to purpose, if after all, it will be to purpose. I am sure had I been one of them, I could not have said for them, what they have done. But knowing how ill they are represented, I was resolved in what I could to do them right, and therein to express my Compassion, proportionable to my Religion, which as such, is not confined, but Catholick: and if my Charity and Compassion must extend to all, that call on the Name of the Lord Jesus, I am certain I must shew it to them, whom I take to be found in Faith and Worship, and whom I have known, and heard, and by whose Works I may profit, if I have not. My request to them is, that they would believe there are many in the Church of *England*, that wish an Union, they with us, and we with them, and it must needs be so in all them that are animated by the same

Holy-Spirit of Truth, Faith, and Love. I do also beg their pardon, that I have pleaded for them with no more Life and Strength.

I do understand and I easily believe, that many of the Reverend Conforming Church-Men are offended, that a *Conformist* should plead for the *Non-Conformists*: It hath seemed to some almost incredible, and to look like a Cheat, or a Jesuit in Masquerade. I am glad I am not to be tried by Judges of that Complexion, by whom I am condemned at the very first sight of the Title Page, and that it hath found Approbation from them, whom I take to be of a better Temper.

Before I plead, I do humbly beg their Pardon and Excuse, who have been dishonoured by the Suspicion of being the Authors of the Plea for the *Non-Conformists*, by my concealment of my Name. It hath been a greater Honour to me, than I ever expected or thought of, that it hath passed under some very Reverend Names; but it is a Dishonour to them, to be counted the Fathers of such a Birth, which represents neither their Strength nor Statures, neither Feature nor Speech. These worthy Men may vindicate themselves with one Negative, but I cannot undeceive the Inquirers without running upon considerable Trouble and Temptations. I perceive the Injury is so common, that I cannot without a greater, distrust their Pardoning Ingenuity.——

Having said this, I next put in my Apology. That Book was fitly called the *Conformist's Plea*, because it becomes the *Conformist* to read and weigh the Case; and having done so, to be righteous and compassionate, to be a good Instrument between his Mother and his Brethren at such a time, when ill Agents pass between them; and because the greatest Authorities he hath used, have been eminent Fathers or Sons of the Church of *England*. Why should it seem strange to any Man, in such an Age as this, when many that seem Enemies to Popery, yet plead for Papists? Why should it seem strange, that one should labour to prepare the Hearts of Men of the same Faith to meet, or to receive Dissenting Protestants into Church-Communion with them, by opening the hardness of their Case, the Worthiness of their Persons, and of their Ministerial Abilities, Soundness of their Faith, Exemplary Morals, peaceable Demeanour, &c. Why should it offend any Man, that I should open their Case, and testify for them, when we all, that have any sense, bewail our Divisions, and from thence fore-tell our Destruction, and profess a desire of Union, tho upon different Terms? How many in the Land do declaim against their Principles and Practises, and are ready to raise a Wind, if it were in their Power, to carry them away, that know neither the Men, nor their declared Principles! Is it not necessary, first to remove Prejudices, and next, to beget good Thoughts of them, in all that through unacquaintance with

with them, or Diſaffection towards them, before ever we can either deſire, or admit an Union with them? It is a good preparation for an intire, affectionate Cloſure to ſhew how near they come to us, what Abatements other great and excellent Men would have made, had they had the management of Church-Affairs in our Days, and what Conceſſions they formerly thought fit to make; and more eſpecally in a time when the great Counſellours and Truſtees of our Peace and Liberties, have unanimouſly voted for a Legal Union, or that which is to ſome a hateful Word, *Comprehenſion.* It is moſt unlike a Miniſter of Chriſt, and a Member of a Chriſtian Reformed Church, to kick and ſpurn at Proteſtant Brethren, that would gladly come into the Arms of a Legal Conſtitution, upon no other terms and by no other ways, than ſuch as Wiſdom ſhall find out, and the Government reſolve upon, for the Honour of Chriſt and his Religion, and the ſafety of the Church. In vain do we uſe the names of Unity and Peace, and Uniformity, and yet at the ſame time, in the ſame Diſcourſes, revile and bear falſe witneſs againſt our Brethren. To commend Peace and diſlike fair Propoſals, is flatly to hate Peace; to commend Peace, and with Tongues and Pens to perſecute them with whom the Peace is to be made, is a Method for Peace which I never learned. To invite Men to my Houſe, and keep the Doors ſhut, as againſt Thieves and Contentious Perſons that will never be quiet, or that are not fit to be truſted in it, is ſuch a kind of Civility and Complement, that can never gain upon any Man of ſenſe. I put off my Hat to them with a ſeeming Humility and Love, and ſay, I pray you come in out of the Wind and Rain, and in the mean time prepare neither Room nor Entertainment for them, but think my Houſe a great deal better without than with them, is as much as to ſay, Be gone, or come in upon ſuch hard terms, for which they muſt give Bond and Oath, which they cannot yield to. Will a Man that hath any Brains in him, receive troubleſome Perſons into his Houſe? or contract with perfidious Perſons, that will eat him out and betray him? or eſpouſe a Woman that he takes to be an ill-conditioned, contentious, unprofitable Brawler? We muſt ground our Agreements upon ſome rational Confidences. And therefore that I might not only pray for Proteſtant-Chriſtian Peace and Union, I uſed ſuch means as were within my narrow Compaſs; and I could not think of any better, than briefly to ſtate the Caſe, and commend the Perſons, whoſe Eſtabliſhment I do heartily deſire, as they with whom we may ſafely, and comfortably communicate in the ſame Offices, or at leaſt quietly endure to live with us in the ſame Nation, or worſhip God in Chriſt, as in an outward Court of the Temple, tho not in the Body of it, or at the Altar. If the Gentiles were not admitted into the inward Court, they had the allowance of an outward Court,

they were not forbidden to come into *Jeruſalem*, or any Town where the *Sanhedrim* was held. But our *Non-Conformiſt* Brethren may approach with us even to the Altar, if they be but taken in upon ſuch Terms, as Chriſt and his Apoſtles would have admitted them upon, yea upon Principles declared by our firſt glorious Reformers. And ſhall it be a Crime in a *Conformiſt* to ſay ſo, to ſpeak Truth in Love? They earneſtly plead with the Keepers of the Keyes, For Chriſt's ſake take us in! They plead with the power of the Sword, For the Lord's ſake ſmite us not, deſtroy us not, for we are Friends. To the one they ſay, We would live in Peace and Love with you, we would glorify God with one Mouth with you, we would not be as Strangers and Enemies. To the other they ſay, We will ſtand on your ſide, we will live and dy with you. But ſome that watch at the door, and ſome that ſtand Sentinel, and are upon the Guard, cry, Who are ye? Whence come ye? What would you have? Is it not a good Service in me, or any other that are within, that know the Men, and have heard or read their Offers, to declare who they are, and what they offer? I look upon it as great an Act of Charity to many in the Church (of which I am a Member) as to them, to make a true report of the things I have written, and towards a Reception, to repeat the Heads of ſome former Debates and Conſultations for Concord, and what hath been the Judgment of, and to what ſome Worthies of former times have condeſcended.——

But who hath hired you? or feod you for your Plea?

From this and the like falſe Accuſations, I appeal to my Judg in Heaven, and my Witneſs within, and defy the World round about me, of being as much as privy to any ſuch deſigned work; yet I have my Reward on Earth. The Tearers of the Church have made at me, as inviſible as I am, but miſtaking their Hold, have hurt their Nails and Fingers, whilſt I eſcape. The Admirers of Innovations have cut me out a new Livery, which ſhews the Uniformity they affect, dreſſed one in a Jeſuit's long *Robes*, and a *Scotiſh* blew Bonnet; but from others I have the Reward of Thanks, Prayers, and Encouragements to proceed, from the good Acceptation of the former part. And if none of my fellow Servants would acknowledg my Kindneſs, I hope my Maſter will, whoſe I am, and whom I ſerve. And if ſome of my Mother's Sons look upon me, as having nothing of her, becauſe I am not like them to an Hair, and wonder who I take after; I would they ſhould know, I take after the Candor and Ingenuity of Heathens and Papiſts, overcome with the Light and Truth towards Chriſtians, and in their Language, condemned Hereticks; and after the Charity of *Conformiſts* towards *Puritans* and *Non-Conformiſts* in former times; and ſo this part of my Apology ſhall be,

1. The

1. The imitable Examples of Heathens towards Christians.

2. Of *Papists* towards miscalled Hereticks, our fore-runners in the Truth and Faith.

3. Of conforming Defenders of the Church of *England*, towards Dissenters of former and latter times.

And if it be said, *That none of these did plead the Cause of their Adversaries, as I have done.* I say,

1. The condition of the Times require it.

2. Their Case will bear it.

3. General inclinations to Peace have opened an opportunity for it.

1. Shall not a Christian speak as well of a Christian, who is of the same Father, Faith and Family, as an Heathen of a Christian? Shall not a Christian Minister do more than a Christian Man, for the honour of Christianity? Who hath taught us to expose serious Professors of the Christian Faith, to the condemnation and wrath of the ignorant and angry people? or to the jealousy of the Potent? What is commendable in them, ought to be commended; and that should be commended in them, which is commendable in us. And what is excusable in them, ought not to be exposed as damnable and intolerable. The Christian Qualities, Graces and Vertues, should be acknowledged, and not disowned, because they are in a Nonconformist. The Piety, due Obedience, Sobriety, Usefulness, diligence in Hearing and Preaching the Word, yea and tenderness of Conscience, which they profess and shew, ought to be kindly respected; and the common infirmities of Men, rather covered, for the sake of those undoubted Graces, than these Graces to be suspected, because we do not affect the Men.

Tertullian in his Dissuasive to *Scapula*, the President of *Africa*, from Persecution, [*ad Scapul. c.* 4.] doth move him by the good opinion and commendation of the Emperor *Severus* (Father of *Antoninus*) who did not only shew favour to *Torpacion*, who had cured him with Oil, and kept him in his Palace while he lived; but knowing some famous Women and some famous Men to be of this Sect, (so the Christians were called, *a Sect*, or, *a new Sect*, by way of contempt) he did not only not hurt them, but adorned and honoured them with his Testimony, and did also openly resist (or keep off) the common people raging against them. But most famous is that full Testimony which *Pliny* the 2d gave to *Trajan*, of the Religion and Manners of the Christians, 'That he found nothing by them but their ob-'stinacy in refusing to sacrifice; and that they met before day to sing to 'God and Christ, to consent in the exercise of Christian Discipline; for-'bidding Murder, Adultery, Deceit, Treachery, and other Wickednesses. '*Tertul. ad Scapulam. cap.* 4. *edit. Pamelii id. Apologetico cap.* 2. If an Heathen

then Governour, entrusted with the execution of Laws upon the Christians (in *Pontus* and *Bithynia*) gave such a Testimony of them, which was in effect to be more an Advocate for them, than a Judge upon them; what may be allowed to a Protestant Minister, pleading for Protestant Ministers and People? of whose Religion and Manners much more may be said, than *Pliny* could say of those Saints of God, had he set himself to plead their Cause with his charming Rhetorick.

Vid. Vossii *Comment. in Epist.* Plin. *de Christior. Persecutionibus. p.* 5, 6, 7.

2. I will imitate a Vertue in an Enemy, what is good in an ill Man. Let others frame their Tongues to defaming Names and *Anathema's*, after the rigorous and bitter *Papists*, I rather chuse to undergo the Censures of the Angry, without cause, than be overcome, or condemned by the ingenuity of *Papists* towards our Predecessors in the same Faith. What ample Testimonies have many of the *Papists* given of the *Waldenses*, altho condemned of Heresy, by their Canons, may be seen in *Du Plessis Historia Papatus*, out of *Rainerius*, and in Arch-Bishop *Usher's de Successione & Statu*, out of the same *Rainerius*, and other Inquisitors, and their spiteful Enemies the *Dominicans*, being overcome with the Light of Truth, and Beauty of their Life and Manners, have not concealed what we ought to esteem a Glory. *Æneas Sylvius* writes as much to their disgrace as any scornful Enemy could do, who in his Journey to *Prague* taking in at *Tabor* (looking upon it as more safe to lodg with them than in the open Villages amongst the *Papists*) was with his Company gladly received by them, and received the right of Hospitality. He hated them to that degree, that he chose to neglect Divine Offices on the Lord's-Day, lest he should communicate with Hereticks; and in his return, being overcome with the importunity of his Company, to return thither to bait, he would neither eat nor drink while he was in the City; yet he gives us the Heads of their Religion in opposition to the *Roman* Apostacy, which is such, as every true *Protestant* must subscribe to for the most part. And the ill Reports he gives of their degenerate Manners, he took upon trust from his Host, who secretly kept the Images of *Christ* and the Virgin *Mary*, and would have fallen from them, but for the love of his Riches. And shall we take these Reports for true of them, which he, an incensed Adversary, afterwards a Pope, received from a secret *Papist*, and an Hypocrite? There are too many in *England*, from their Ignorance, Prejudice, or Malignity, will speak as ill of our worthy *Nonconformists*; but let us who know them, and should esteem them

Edit. Lond. 1613. *c.* 6. §. 11. §. 15, 20. *&c. fuse per totum Caput.*

Vid. Inter Waldensia, &c. opera Balthar. Lydii; *Æneæ Sylvii Historiam Bohemicam. P.* 371, & 373. *Rotterdam.* 1612.

as

as the Servants of God, and our Fellow-Servants, write and ſpeak with Tenderneſs, Truth, and Modeſty.

3. To come nearer home, and the Point in hand. Many learned and peaceable Conforming Divines, when they wrote of them, or wrote againſt them, have given them an honourable Report; eſpecially when the *Papiſts* have upbraided the Church of *England* with *Puritans*, as now they do with our *Diviſions*. Mr. *Francis Maſon*, the learned Defender of the Miniſtry of the Church of *England*, ſpeaks ſo modeſtly and kindly of the *Nonconformiſts**, that he inſinuates a good opinion, or a kindneſs into the heart of his Reader in that Book, wherein he labours to ſatisfy or confute them. With a like temper did Dr. *Sparkes* handle the *Perſuaſive to Conformity*. What ample and fair Characters doth the ingenuous and honeſt Dr. *Fuller* give of Mr. *Cartwright*, *Travers*, *Udal*, *Hilderſham*, *Dod*, *&c.* in his Church-Hiſtory of *Britain?* And long before him, we may reade (what ſome of our learned and eminent *Conformiſt* Divines have imitated) the Honour which ſome great Doctors of *Cambridg*, and among them Dr. *Fulk*, gave to Mr. *Cartwright*, perſwading him to confute the *Rhemiſts* Teſtament, printed before that worthy Work of his. I will content my ſelf with one Example more of this temper, a Learned Man beyond all exception, the great Doctor *Crakenthorp*, whom I rather cite, firſt, becauſe he profeſſed himſelf, and was acknowledged by the Biſhops to be a Moderate *Proteſtant*, but no *Puritan*. 2. Becauſe he reckons many of the *N. C. Puritans*, who ſuffered either Deprivation or Suſpenſion, or more, for their Nonconformity, and blames them for that fault: *Utinam errorem ſuum & cernere voluiſſent & deponere.* —— For otherwiſe certainly (ſaid he to *Marc. Anton. de Dominis*, *A. B.* of *Spalato*) there 'is hardly none of them to which any of you is to 'be compared, for Goodneſs or Holineſs of Life; 'and even for Learning, you your ſelf (who are a 'Maſter in your *Iſrael*) are not to be compared 'with ſome of them. The greater was the unhappineſs of that Breach, which was made by Injunctions and Scruples. I never thought them good Painters who draw the Pictures of the Diſſenting Brethren with Dirt and Soot: but I knowing them to be unlike thoſe Pictures, have with a juſt offence beheld their Injuries; and would have been pleaſed to have ſeen them deſcribed by ſome impartial and skilful Maſter, as fit to adorn the Palaces of Princes, who have been removed up and down, and thrown out of the way, like the lumber out of a new-furniſh'd Church. The Works and Hiſtories of the Lives of many of the old ſound and loyal *Puritans*, written for the moſt

* *Churches Power to make Canons.*

Defenſio Eccleſ. Anglicanæ contra Archiepiſc. Spalatenſem. cap. 33. *p.* 206.

moſt part by Conforming Divines commend them, and will commend them to all Godly Generations; and the Memories of the Orthodox *NON-CONFORMISTS* of the preſent Age, will be tranſmitted after them, to the better opinion of future Times, by a truer Tradition, than any Hiſtory that is as yet come to the view of the World, by the reviling and aſperſing Writers of this Age. And two ways After-Times will be truly informed concerning them; firſt, by that Angry Reproachful Art of Jeſt and Earneſt (I do not mean thoſe venemous halfpenny Volumns that will not hold the binding, and will be condemned to the fire by their very Authors, if ever they grow wiſe enough to repent) but in a greater bulk, and of greater gain to their Authors and Sellers, than profit to their Readers. Secondly, by the great numbers of Books written by the *Nonconformiſts*, to the real Advancement of Piety. By the firſt, ſerious and inquiſitive Poſterity will conclude that Tenderneſs, Piety, and Truth lodged not in their Boſoms, while their Hands mov'd their Pens, which aſperſed their made-Adverſaries in ſuch a way, as could neither gain nor convince them. By the latter, they will conclude, when they obſerve the ſcope of their Tracts, ſoundneſs of their Matter, affectionate moving way of Writing in Practicals, and their Aſſerting the *Proteſtant* Doctrine, of former and latter Times, in their Controverſials, that ſurely theſe Men were an excellent part of the Church, inſpired by the Spirit of Grace and Truth, and deſerved better uſage, and a higher place, than a Barn or a Hall to preach in.

In ſpeaking well of the *Nonconformiſts*, I have followed the Example of them that I reckon among the Chief of the Church of *England*: and if my Affection to them, and in them, to Chriſtian and Proteſtant Name and Religion, hath prevailed upon me to an unuſual Undertaking, if it be not pardonable with ſome, if it be acceptable to Jeſus Chriſt, and ſuitable to the Minds of many good Men in the Church, and do ſome tolerable ſervice to the ſuffering part, I doubt not but I ſhall be ſaved, without the Pardon of them that cannot pardon the Vertue of Moderation, any more than the aggravated offence of Nonconformity.

I have gone no further than to plead a trampled Cauſe, which they that hold it, think too good and precious to be trodden on by the proudeſt Foot, as fit to be taken into Conſideration by the Wiſdom and Authority of the Nation. I have not preſumed to make Propoſals, or Demands; that's left to wiſe and great Men. But if ſome of our Eminent * Church-Men have made Propoſals of Abatement, and have not violated their Subſcriptions, not to endeavour any alteration of the Government in Church or State; I hope I have

* Dr. *Stilling. Preface to the Unreaſonab. of Separation.*

have not forfeited my Sonship, or broken Faith, by doing far less, and keeping within the Bounds of a well-meaning Man. And so much, and perhaps too much, by way of Apology.

I have opened in the Plea the Hardness of the Case, Greatness of the Sufferings, Worthiness of the Persons of the *Non-Conformists*, and the Loss to the Church by their Exclusion or Suppression. I might infer Conclusions from every of those Head of the Arguments, and drive the Plea more home; but now because their Sufferings are like to be more and greater, and they are to be a Carkass to the Eagles, I will take leave to discuss this seasonable and necessary Question.

Q. *Whether it be not better, that the Penal Laws against the Non-Conformists, to which they are obnoxious, by their Preaching and Praying, and other Religious Exercises, should not be executed, but forborn rather than put in Execution, until such time, as our Gracious King and Parliament in time to come, shall maturely take the State of divided Protestants into their wise Consideration, and bring us all into a happier Legal Establishment, than we are in, or can be in, while our Divisions and their Causes continue?* ——

It may be thought high Presumption in a private Person, to determine which is the better; but I conceive, that because the Civil Magistrate is not Omniscient, but takes his Information from Inferiours, and private Men, coming to him through Publick Persons, it's rather a Duty than an Offence to propose such a Question, and discuss it, when too many determine perhaps without due Examination of the Case, that the rigorous Prosecution of Dissenters is best and needful.

In the handling of this Question, it will be necessary to state it, and shew;

1. Who I mean by the *Non-Conformists*.
2. State the Controversy between them, and the Church from which they dissent.
3. Open the nature of the Offences, for which they are liable to the Laws.
4. Explain what I mean by Forbearance of them, or the Execution of the Laws.
5. Why I limit the time, until our Gracious King shall take our divided State into further Consideration. After which done, I will,
6. Produce my Arguments for the Affirmative, That it is better the Laws should not be executed, than put in Execution. And,
7. Answer Objections to the contrary.——

1. By *Nonconformists*, I mean only such Ministers, Teachers, Pastors, and People, as are found in the Fundamentals of the Christian Faith, and

ſubſtantial Worſhip; that are *Proteſtants*, or reformed from the Corruptions of *Popery*, that peaceably ſubmit to the Civil Government of the Kingdom, and the Temporal Laws thereof.

Secondly, The Controverſy between the *Nonconformiſts* and the Church, or the *Conformiſts*, lies not in Matters Political and of Civil Government, for they agree in that, according to the Laws and Conſtitution of the Realm. * Nor is the Controverſy in the Fundamentals, or Articles of Faith, or between a Church-Government, and Anarchy or no Government; but about Matters of Form and Eccleſiaſtical Diſcipline, and Terms of Church-Communion, or of Exerciſe of their Publick Miniſtry, conſiſting in Subſcriptions, Oaths, and Declarations, and ſome private Doctrines to be aſſented to.

* *Vid.* Dr. *Stilling. Miſch. Separat.* p. 21. and their own many Books. *Cum illis quos tu Puritanos vocas, non eſt nobis de fide aut Fidei dogmate lis ulla: de Ritibus illis, & diſciplina Eccleſiæ noſtræ contendunt*, Crakenthorp *Eccleſ. Anglic. Defenſio.* c. 33. p. 203.

But this is too general an Account; more particularly it is carefully to be noted,

1. That the Controverſy berween the *Nonconformiſts*, and the Church as now Eſtabliſhed by Law, is not the ſame it was between the Church and *Nonconformiſts*, or *Puritans*, from the Reign of Q. *Elizabeth*, to our King's Reign. The *Nonconformiſts* in thoſe days and following time, aſſerted a Government and Diſcipline of Divine Right by *Presbyterian* Claſſes, Synods and Lay-Elders, and diſſented from the Government by Dioceſan Biſhops, and Ceremonies principally; yet theſe were againſt the *Browniſts*, who ſeparated from the Church of *England* as no true Church, which the meer *Nonconformiſts* did not. But ſince his Majeſties wonderful Reſtauration, that part of the Controverſy which relates to Church-Diſcipline, and Government, is altogether new, and quite different from the old. No ſingle Perſon, nor Combination of Men, did ever deſire of the King or Parliament, the Eſtabliſhment, or the Toleration of the *Presbyterian* Government or Diſcipline, either in the *Presbyterian* or *Independent* Way. And therefore the pains of thoſe Writers, who have revived the Opinions, and raked into the Miſcarriages of the *Presbyterians*, might have been ſpared, as not at all to the purpoſe; except to that which is unbecoming either peaceble or wiſe Men: They do only kindle Wrath by ſtirring Fire, and cry, Fire, Fire in the Church and State, when there is not ſo much as any Smoak aſcending from the Embers of *Presbyte-*

See Mr. *Baxt. Preface to* Bp *Morley*, and Bp *Gunning*, *before his True and only way of Concord.*

Presbyterian Principles. Thoſe Tragical Stories of *Presbyterians*, whether true or not, which ſome Men bring to remembrance, ſeem to ſerve another Deſign, than the union or preſervation of the Church, and apparently to render the *Nonconformiſts* ſuſpicious and odious, and to hinder a Reconciliation.——

2. There are eſpecially two ſorts of Diſſenters from the Legal Church; Firſt, Thoſe who are called *Presbyterians*, but wrongfully ſo called, (and by me only for Diſtinction ſake) the other are the *Congregational*, or *Independents*. The Fanaticks and Sectaries fall under this laſt Diviſion in point of Government; but the meer Congregational are Men of Learning, Reaſon, and ſound Principles as to Faith, Worſhip, and Manners. And ſo there muſt be a Diſtinction between ſome, and others, that are commonly ſo called.——

All theſe agree in that they cannot conform to Subſcriptions, Oaths, and Declarations; and ſome in other Matters come nearer, or ſtand further off than others; therefore the Difference cannot be more particularly ſtated, without an exact knowledg of their Tenets.

3. Thoſe who are commonly called and reputed *Presbyterians*, declared themſelves for his Majeſties Declaration about Eccleſiaſtical Affairs, as they have done againſt the Terms required by the Act of Uniformity. And now, if any Man would know the true State of the Difference between the *Conformiſts* and one part of the *Nonconformiſts*, may find it to lie in that Gracious Declaration, and that Act of Uniformity. The reputed *Presbyterian* cannot conform to the Act, but would have been glad if that Declaration had been made an Act. And they who would have gladly ſubmitted to that rare Invention of Compoſure and Settlement, are no longer to be accounted *Presbyterians* in a ſtrict and proper ſenſe; much leſs Enemies to the King and Subverters of the Government, that would have conformed to what the King propoſed, upon great Reaſons and wiſe Counſels, as appears by the Reaſons, Frame and Language of that Declaration: And they who condemn them that conform not to the Act, but would have conformed to his Majeſties Declaration, if it had been turned into a Law, have declared at the ſame time their diſlike of the King's Declaration. And if their Zeal be ſo hot againſt this kind of Diſſenters, their Reverence of the King's Act, which gave them their Meaſures and Directions, both as to what they ſhould ask and deſire to

October 25th, 1660. Petit. for Peace, §. 10. To the King's Moſt Excellent Majeſty. The due Account and humble Petition of the Miniſtres of the Goſpel commiſſionated for the review and alteration of the Liturgy. Lond. An. 1661. Mr. *Baxter's Preface Treat. of Epiſcopacy.*

be ruled and governed by, ſhould reſtrain them from being too rigid in their Cenſures. Had they drawn up ſuch a Declaration as that is, and preſented it to the King and Parliament, as the only Rule they would ſubmit unto, and the King have rejected and refuſed it, then they had been more deſervedly reproved for their Nonconformity. But when it was graciouſly declared by the King, and gratefully acknowledged by that Parliament, and the Divines that now diſſent, did thankfully acknowledg and receive it, they cannot be condemned but with ſome Reflection upon that Declaration, and by conſequence the King himſelf and his wiſe Counſellors, and that firſt Parliament who thanked the King for it. And let it be further noted, that there was once a Parliament moſt freely choſen, of Loyal Members, that thanked the King for Terms of Accommodation and Union; and it is much for the Honour of the Diſſenters, who humbly deſired an Union upon thoſe Terms, that they had once the King himſelf, and as many of his Wiſe Council as adviſed, and a Loyal Parliament freely choſen, of the ſame Judgment with them. If they are a Faction, they are ſuch as never was before them; a Faction that would have been ruled by the King, and that good Parliament which did reſtore Him. I do notify the firſt rank of Diſſenters from this, becauſe they have ſubmitted to this, and never offered any other Terms or Propoſals by general Conſent, but thoſe declared by the King himſelf. * And thoſe that are ſaid to be for a new Model, are for the King's own Model.——

See the foreſaid Petition.

At their Meeting in Sion *Colledg.*

* *Or ſuch Alterations as were made in the Liturgy, by his Majeſt. Commiſſion.*

4. The other ſort of Diſſenters fall under the name of *Congregational* and *Independents*. As many of theſe as are under my preſent Conſideration, are firſt Orthodox and ſound in Faith, agreeing with the Scriptures, received Doctrine of this Church, in Articles and Homilies, and of other Reformed Churches, in oppoſition to Hereſies and Popery.

2. They diſſent not from the Civil Government of the Kingdom. Take their own profeſſed Doctrine, 'It is the Duty of People to pray 'for Magiſtrates, to honour their Perſons, to pay them Tribute and other 'Duties, to obey their lawful Commands, and to be ſubject to their 'Authority for Conſcience ſake. Infidelity or Difference in Religion 'doth not make void the Magiſtrates juſt and legal Authority, nor 'free the People from their Obedience to him; from which Eccleſiaſtical 'Perſons are not exempted; much leſs hath the Pope any Power or 'Juriſdiction over them in their Dominions, or over any of their People, and

'and leaſt of all to deprive them of their Dominions or Lives, if he ſhall 'judg them to be Hereticks, or upon any other 'pretence whatſoever.*

3. They are for a Church-Government, by Paſtors, Teachers, Elders and Deacons, but within particular Congregations, having all Power within themſelves, independent as to Juriſdiction, or Subordination to any other Church, or Synod, and they are for the Adminiſtration of all the Ordinances of Chriſt.

The moſt that ever theſe deſired at any time, even when the Presbyterial Government was moſt likely to prevail, was a Permiſſion or Toleration to exerciſe their Diſcipline, ſubjecting themſelves, as any other Subjects, to the Magiſtrate, not deſiring the Preferments of the Church, which they would have always go to them, that conformed to the Conſtitution of the Church according to Law, and with this they would now be thankfully contented.

* *A Declaration of the Faith and Order of the Congregation. Churches in* England, *in their Meeting at the* Savoy *Octob.* 12, 1658. *c.* 24. *Of the Civil Magiſtrate, §.* 4. *Vid.* Dr. *Owen's Truth and Innocency vindicated. Survey of* Dr. *Parker's Eccleſ. Polity* p. 164, *&c. Ibid. of the Inſtitut. of Churches. §.* 9

The third thing to be ſpoken to, is the Nature of the Offence, for which they are liable to the Penalties of the Laws. The remote Offence or Tranſgreſſion, is their Nonconformity to the Act of Uniformity, for which they have ſuffered a Deprivation of their Eccleſiaſtical Preferments. The next and immediate Tranſgreſſion, is againſt other Statutes, which are theſe:

1. The Statute of the 35 of Queen *Elizabeth*, declared to be in force, 16 of *Ch.* II. *c.* 4.

2. The ſame Act againſt Conventicles and unlawful Aſſemblies, under Pretence of Exerciſe of Religion.

3. Act 17 *Ch.* II. *c.* 2. *Nonconformiſts* that take not the Oath, or Teſt therein ſet down, ſhall not inhabit in any Corporation, or live within five Miles of any Town that ſend Burgeſſes to Parliament; or five Miles of the Place where they were Miniſters.

4. The Statutes of the 22*th* of *Ch.* II. *c.* 1. *Seditious Conventicles prevented and ſuppreſſed.*

By the firſt of theſe Statutes, *viz.* 35*th* of Q. *Eliz.* the Offences are two; the firſt is not coming to ſome Church or Chappel, or other place of Divine Service, to hear Divine Service eſtabliſhed by her Laws, *&c.* The ſecond is to ſpeak or write, or to perſwade any to deny or impugn Her Majeſties Power in Cauſes Eccleſiaſtical, or perſwade any againſt hearing Divine

Divine Service, or to be preſent at Conventicles, or unlawful Aſſemblies. The Penalty is, firſt Impriſonment until he acknowledg his Offence, and declare his Submiſſion in ſome Church or Chappel; which if he refuſe to do within three Months, he ſhall abjure the Realm if he do not, or if he ſhall return without her Majeſties leave, he ſhall be proceeded againſt as a Felon.

I ſhall ſpeak of the ſecond under the fourth, becauſe it was to expire after the next Seſſion of Parliament, which was after three Years. And paſs to the third Statute; The Offence by that Statute is, If any Perſon that had enjoyed any Parſonage, Vicarage, Lecture-ſtipend, and had not conformed to the Act of Uniformity, and ſhall not take and ſubſcribe this Oath;

'I *A. B.* do ſwear that it is not lawful on any pretence whatſoever, to 'take up Arms againſt the King; and that abhor that Traiterous Poſi-'tion, of taking Arms by his Authority againſt his Perſon, or againſt thoſe 'that are commiſſioned by Him, in purſuance of ſuch Commiſſions, and that 'I will not endeavour any Alteration of Government either in Church or 'State. If he ſhall preach in any Conventicle, or come within five 'Miles of any City, Corporation, or place of his Miniſtry, except on his 'Journey, or ſummoned by a *Subpæna*, he ſhall forfeit 40 *l.*

The Original Crime is Nonconforming; the next is not taking the *Oxf.* Oath, preaching in Conventicles, and coming within five Miles of any ſuch place.——

The fourth Statute, *Car.* 22. is, *&c.* And the Crimes are; 1. 'If any 'Man ſhall be preſent at any Aſſembly, *&c.* under colour of any Exerciſe of 'Religion, in any other manner than according to the Liturgy and Practice 'of the Church of *England*; at which there ſhall be five Perſons or more 'aſſembled together, beſides thoſe of the ſame Houſhold. 2. If any Man ſhall 'take upon him to preach or teach in any ſuch Meeting, he ſhall forfeit '20 *l.* for the firſt Offence after Conviction, and 40 *l.* after the ſecond Con-'viction of a ſecond Offence. 3. If any Perſon ſhall willingly ſuffer ſuch 'Meeting to be in his Houſe, Out-houſe, Barn, Yard, or Backſide, and be 'convicted, ſhall forfeit 20 *l. &c.* And every Hearer, 5 *s.*

The Faults that are moſt obvious, and moſt commonlly proſecuted, are firſt, Preaching, Hearing, or entertaining of any Meeting under pretence of Religious Exerciſe, after another manner than the Liturgy or Practice of the Church of *England*, to five or more beſides the Houſhold where ſuch Meeting is kept.

Fourthly, I am to explain what I mean by Forbearance.

1. I do not mean what never came into the Queſtion, an Univerſal Toleration, or Licenſe of all Irreligion, Atheiſm, Hereſy, or publiſhing pernicious

pernicious Errors, contrary to Godlineſs and Peace. by Forbearance, a Toleration or Forbearance of Proſecution againſt any that ſhall be found guilty of thoſe Offences and Crimes, contained and declared in the Reaſons of theſe Statutes, for the prevention whereof theſe Statutes were primarily intended, as the Intention of the Law.

1. I do not mean a Forbearance of any Perſon whatſoever, that ſhall by Printing, Writing, or expreſs Words, purpoſely practiſe, or go about to prove or perſwade any of His Majeſties Subjects, or any other within His Realm, to deny, or withſtand, or impugn His Majeſties Power in Eccleſiaſtical Cauſes, or ſhall perſwade any from coming to Church to Divine Service, or Communion to that end. There is no *Nonconformiſt* that hath written or printed, or (that ever I heard of) ſpoken, to impugn His Majeſties Power *circa ſacra*, but own it, as hereafter it will appear.

2. I do not mean a Forbearance of any Perſon or Perſons, whether more or fewer than five, that ſhall, have, or do contrive any Inſurrections, as Seditious Sectaries, or Diſloyal Perſons, or any dangerous Practices of Seditious Sectaries, or other Diſloyal Perſons, who under Pretence of tender Conſciences, have or may at their Meetings contrive Inſurrections; or that make but a pretence of Religious Exerciſes, to carry on any ſuch Intentions. The above explained *Nonconformiſts* will heartily ſubſcribe to this. Againſt theſe Contrivers the Law is bent, and not againſt ſuch as are in earneſt for Religious Exerciſes, but upon no ſeditious Deſign, tho it is otherwiſe interpreted contrary to the declared end of the Law.

2. I do not mean

Nor did the N. C. *deſire but the Toleration of thoſe that are tolerable, and the peaceable Liberties of all that agree on Catholick Terms of Primitive Simplicity in Doctrine, Worſhip, and Diſcipline. Petition for Peace*, Anno. 1661.

See the Statute 35*th* Q. *Elizabeth.*

Vid. Statute of 16 *Ch.* II. *c.* 4.

3. The Perſons to be forborn, are ſuch Preachers, and Teachers, as never kept Conventicles, or Meetings, making thoſe Religious Exerciſes a pretence only, when the Deſign was Rebellion, Sedition, or Inſurrection; as never taught any ſuch pernicious Doctrine to ſuch a wicked end, but that have taught and hold the contrary, performing Religious Exerciſes for Religious ends; and both they that hear them, and they that entertain them, ſhould be forborn.

4. By Forbearance, I mean a total Forbearnce of all the Penalties, which they have incurred upon their Perſons and their Eſtates. The merciful Indulgence of the Government, and many over ruling Providences concurring, have given them Advantages, and Boldneſs to meet more openly,

openly and in greater Numbers, than they did before, than they could or would have done. If now there ſhall be a ſevere Proſecution againſt them, the Priſons will fill in many places, their Fines amount above their Eſtates; there will be neither Diſh nor Spoon, Stooll, nor Bed left for their Wives and Children, no, nor a Friend of their way left in the Land, in a Condition to relieve them. It is the ready way to fill many places in the Land with Tears and Cries, Beggary and Miſery, ſuch as no good Proteſtant can behold without a Sympathy. This is no better than to forbear a Creditor till the Intereſt grows to a great Sum, and then ſeize upon all he hath, enter upon his Land, and drive his Cattel, &c. this is Mercy, till Offences grow big for a huge Severity; Mercy patent, for latent Juſtice, to give them time to gather Fleſh, and then to devour them. If the Rooks, the Informers, thoſe Birds of Prey, hope to fleſh themſelves by picking the bones of the *Nonconformiſts*, it ſhould go againſt the ſtomack of every true Gentleman, not to ſay Merciful Chriſtian. If they muſt be ſuppreſt, give them notice of it; do not kill them in cold Blood, after Quarter given them. To make the Caſe familiar; There are a Company of honeſt, quiet People live about me, they were once in good Faſhion and Reputation, but are now fallen in the World's danger, and are forced to be beholden to their Friends; they live in my Mannor, and have treſpaſſed upon me, againſt the orders of it. I thought it hard to trouble them, or ſeverely to gather my Amerciaments, for they were honeſt Men, and of my Religion too for the main, they were good Proteſtants in their way. I never heard of any Riots among them, or ill Deſigns that could be prov'd againſt any of them; when others were at their Paſtimes, they were at their Prayers, and were laborious, while others that had more of the World, took more Pleaſure; and they know that if I had been ſevere with them for every Treſpaſs, they had not had a Cow or Cows keeping, not a Sheep or a Pig; and now they have well about them, and I am reſolved, I will make them pay all the Amerciaments of my Court, for every Treſpaſs; they ſhall have neither Cow, nor Sheep, nor Houſe to ſleep in in my Mannor, I'll make them pay, or ly in Priſon, or fly the Land; for they are a dangerous ungrateful People: for when I ſtand for a Parliament-Man, or deſire their Votes for my Friend, there is not a Man will appear for me; but they are all for them that are againſt a Popiſh Succeſſor, and for uniting of Proteſtants, and ſuch things as theſe: They are croſs to me; what I abhor, they approve; when I addreſs, they refuſe to ſubſcribe. Well, but Sir, I beſeech you be merciful to them; and if you will have all your Town to be in all things of your Mind, give them notice firſt, or elſe it will be ſaid you forbore them their leſſer Fines, till they grew to a great Sum. I beſeech you, do not ſo by them,

but

but be as merciful to them, as you are to other kind of Sinners.

Fifthly, The Limitation of the Question is, untill such time as our Gracious King and Parliament, in time to come, shall take the State of the divided *Protestants* into their Mature Consideration. We may rationally hope we shall have a Parliament from our King, who hath often declared his Resolution to have frequent Parliaments; we hope it will be a free Parliament; I do not mean free from force or violence upon Men's Persons, but violence upon their Reasons by Drunkenness, with its shameful Antecedents and Effects. And if ever we have such Elections, we shall pitch upon such Men, as long as there are any to be found, that are Men of Loyalty to the King and Government, of Estates and Quality, that are freest from Temptation to get by dishonourable Arts, and that have too much to give away from themselves, and the Freeholders that choose them. A Protestant People will elect Protestant Representatives, and such as have a respect to Protestant Dissenters, in things that may be spared without hurt to Religion, or infringement of Government; much less a change, and that as they are Natives, Relatives, peaceable, and pious good Men. It cannot be thought, that they that would exclude *Popery*, will leave a Breach among our selves for it to enter in at; our last Parliaments have declared their Inclinations by their Votes, and from what they have done, we may guess at what they will do, if God give them time. And there must be a depth in Policy deeper than Men of a short Line can fathom, or a great mistake, that those Gentlemen and Magistrates that are bent to suppress our Conventicles, should act with such a Spirit now, when they have declared who, and what they are for. Is this the way to gain the Body of the Nation to choose them, or those they affect, into a next Parliament, when it is visible what Interest they serve, by disobliging the Protestant *Nonconformists*, and giving notice to the Church, and Conforming *Protestants*, that they cannot be safe from them, that suppress, if not cut off, as many as they can of the same Faith and Worship for substance, for those Differences, that need not be, if Condescention and Love might but come in Fashion?

The Controversy between the Church and them is not yet determined, but there is this good of late got by the Heat of Writing; that both sides have declared their Minds more freely than heretofore; and there are Proposals made by both sides, which if they cannot be universally admitted, yet from the rude Draughts of a Building, wise Men may agree upon the Frame, by adding, taking away, and composing. As

The Rev. Dr. *Stilling. Preface to Unreasonableness of Separation.* Mr. *Baxter, Humphrey, Lobb*, &c.

the Parliament made the Laws out of Love to the Church, and they will not do; Magistrates out of Love to the Church, should abstain from Prosecutions for a time, and be patient for a while except they saw, what no Man can see, that lives nearer to them than their Informers, any more cause of Suppression by any contrived dangers, either to Church or State, than when they are fast asleep in their Beds. If you have just cause to fear their Principles, disarm them of their *Knives*; but those that know them better than their Enemies, or your Informers, do think no more Danger like to arise from their Principles, than there was against the King and most favourable Parliament, from their Preparations, for Rebellion. Are all the Nonconforming Preachers of a sudden turned Jesuits? is their Faith turned into Faction? have they submitted their Scriptures and their Senses to an Infallible Guide? acknowledged in him the power of both Swords, and listed themselves under his consecrated Banners? Are all their Children Males? Are all their Infants in a few Months grown up to be above sixteen Years of Age, fit for Arms? Are their Wives and Daughters become *Amazons*? How many thousands can they make? Where are their Rendezvouz, their Musters, their Lists, their Magazines? Where are their Generals? Who are their Correspondents, and Confederates abroad? The distressed persecuted *Protestants* of *France*? Are they fortifying their Barns and Meeting-Places? or ready to march and take the Field? Why are we not all in Arms for fear of them, if the Danger be so great from their Assemblies! Abstain from these Men for a little time, and let not their Flight be in Winter, or on the Sabbath-Days. If you will not forbear till such a time, one thing I hope and look for, that when you drive their Cattel, or offer their Goods to sale, you will find no Buyers; or if you send them to the Goals, their Keepers and Fellow Prisoners may become true Converts, and that you that send them thither may fetch them out.

But I must not forget my Arguments to prove the Affirmative of the Question, That it is better the Execution of the Laws should be forborn against *Protestant* Dissenters, than urged or countenanced.

I have laid the Question in a Comparative, and affirm it is better, *&c.* The Comparative doth suppose a Positive; if I can prove that it is not good to execute the Penal Laws upon Dissenting *Protestants*, then it will follow *a fortiore & majore*, that it is better they should be spared, than punished.

The Argument runs thus.

It is not good to execute the Laws upon Dissenting *Protestants*, therefore it is better to forbear their Execution, than put them in Execution.

The

The Propoſition is be proved by an Enumeration of the Laws, that Men are preſſing upon them.

1. It is not good to execute the Statute of 35*th* of Q. *Elizab.* which they who are in danger are threatned with. That which the whole Parliament thought dangerous to the whole Proteſtant Intereſt in *England*, and did, as far as in them lay, diſanul (a Bill being prepared to be ſigned by His Majeſty) ſhould not be thought good or fit to be executed upon one part of *Proteſtants*, by ſome particular Juſtices of the Peace, on the irreligious, covetous Information of a ſorry ſort of Men. The loſs of that Bill was judged ſo great a loſs to the Nation of *Proteſtants*, that the next Parliament made diligent Inquiry into the Cauſes of that dangerous Fruſtration, of what was thought as much for the Preſervation of *Proteſtants* from Baniſhment by Abjuration, as for the Preſervation of our Bodies from burning by the Act *de Hæretico comburendo*. But if this Argument be not of force againſt them, that can handle a Sword better, or ſign a Warrant, than anſwer an Argument, or that will not be reaſoned out of a Reſolution; it may receive ſome further Strength by this further Enumeration.

1. The impartial Execution of that Statute, will be ill for all the *Papiſts* in the Land, that, owning the Supremacy of the Pope, do impugn the King's in Cauſes Eccleſiaſtical, and have abſented from Common-Prayer. They muſt abjure the Realm: and truly a little reſpect to *Nonconformiſts*, becauſe they are not *Papiſts*, but *Proteſtants*, ſhould direct our Magiſtrates to begin with the *Papiſts*, and try, if by ridding the Land of *Papiſts*, the Stifneſs of the Diſſenters may not bend towards Conformity. But to begin with *Proteſtants*, and leave the Enemies of the King and Church to ſtay behind them, that have potent Confederates, is not ſafe, nor kind, and reſpective to *Proteſtants*.

2. It will be ill for thouſands of them that go under the Name of *Proteſtants* of the Church of *England*, that may be proved not to have been at Common-Prayer in any Church or Chappel, or place where Common-Prayer is wont to be made. To proſecute *Proteſtants* that preach, or are preſent at Religious Duties, tho not after the manner of the Liturgy, and to ſpare them that are oftener preſent at a Coffee-Houſe or Tavern, than at any Worſhip of God, is too partial a Proceeding, and argues little kindneſs to Religion, by ſhewing more to them that wear a Name of Religion, and not ſo much as a Cloak of Religion beſides.

3. It is not for the King's Honour, Profit, or Safety, and therefore it is not good, that a general Riddance ſhould be made of all Diſſenters, both *Papiſt* and *Proteſtant*, out of the Land by Abjuration, when the *Papiſts* have many Friends that can furniſh them with Arms, to make their way back

again, with some Armies and Auxiliary Forces to help them to pull down the Church of *England*, and set up what King they please.

4. It cannot be good for the Church of *England*, I mean the severe and rigorous tempered Men, who will multiply Enemies against them, when they see that Severities are used upon good Subjects; and the moderate and sensible part of the Church will be grieved, to see their Brethren in the Faith drawn out first for Sacrifice.

5. It cannot be good for those Gentlemen, who have expressed their dislike of our last Parliaments, and that hope for another, and labour to be in it themselves, when the whole Nation see and know how friendly they are to the *Popish* Party, how hard to believe as much a *Popish Plot*; and have, as soon as possibly they can, after their Thanks to the King for his Ruling by Laws, declared what Laws they are ready to execute. Can they think that any besides a terrified servile *Dependent* Part of the Nation, will vote for them, or for their Friends Interest? That therefore which is good for none, ought not by any to be executed, and none will, but such as are resolved against all Reason and the highest Wisdom. ——

The other two Laws are directly against *Protestant* Dissenters.

Secondly, It is not good to execute the five Mile Act upon them.

1. It is not a righteous thing to execute that Law upon them, *except* they are guilty of that Crime, for which that Law doth principally and mainly provide. The Crimes recited in that Act, are, 'Whereas they 'conformed not, *&c.* nor made the Declaration in the Act of Uniformity 'but setled themselves in Corporations, taking occasion thereby to instil the 'Principles of Schism and Rebellion into the Hearts of His Majesties 'Subjects, to the great danger of the Church and Kingdom. This is the pretended Mischief, against which that Act was made; and if so, then it cannot with any Justice be executed, but upon such as have sowed those Principles; If such have been, no Favour is asked for them. But who comes out to prove, that any *Nonconformist* Preacher hath instilled such Principles? If some have, why should those that have not, suffer as if they had? if some have, find them out; if all have, spare none; if none have, why should any suffer? If they have, those Principles are very weak and ineffectual, have had many Years to work in, and yet for the honour of the Religion, which they profess, no Rebellion hath been as much as moved. Was their Nonconformity a Crime? they patiently bore the sentence of the Law? Their living in Corporations could be no Crime; their preaching Orthodox Doctrine could do no hurt to Church nor State; their not taking that Oath, was no greater a Crime in them, than in all the Lords and Commons, who then, and since have argued against it, and opposed it. To instil the Principles of Schism and Rebellion

Rebellion must be the Crime: Now if none of them have been guilty of that Inſtillation, it is not good, becauſe not juſt, to execute the Laws upon them.

2. It is not good to execute that Law upon Diſſenting *Proteſtants*, which at firſt making, was promoted by Men Popiſhly inclined, and ſince appeared to be *Papiſts*, and was never executed but in Favour of *Popery*, and was oppoſed by Loyall *Proteſtants*. I know not in what rank of *Proteſtants* to place him, with whom this Argument is weak, except among thoſe good natured *Proteſtants*, that have ſerved the *Popiſh* Deſigns. Who were the Promoters of it, but Sir *Tho. Clifford*, (ſince Lord Treaſurer, and a profeſſed *Papiſt*) Sir *Solomon Swale*, and Sir *Roger* (or *Tho.*) *Strickland*, that ſince appeared to be *Papiſts*? Who more oppoſed it than the wiſe and Loyal Earl of *Southampton*, Lord Treaſurer, Earl of *Shaftsbury*, who ſcented the Popiſh Plot, and purſued it before many were aware; the Lord *Wharton*, and others, firm to the *Proteſtant* Intereſt? Take the good Sence of an Honourable Member of the Parliament at *Weſtminſter*, in the Debate of the Bill for uniting *Proteſtants*. 'But ſuppoſe we ſhould follow this Advice, and make new 'Laws, and require a ſevere Execution of the old; how can you imagine 'that as long as the *Popiſh* Intereſt is ſo prevalent, the Execution of ſuch 'Laws ſhall be continued longer, than may be ſubſervient to the Intereſt of 'that Party? Have we not had a ſad Experience of this? Hath the '*Oxford* Act, or that of 35*th* of Queen *Elizabeth*, or any other againſt 'Diſſenters, been executed in favour of the Church? (note this, all that 'think it a Service to the Church.) Are not the *Diſſenters* as many, if not 'more now than ever? — And is there any thing more viſible than theſe 'Laws have been made uſe of to ſerve the *Popiſh* Intereſt, or, as Engines 'rather for the Affairs of the State, than the Church. — If the *Oxford* Act, 'and other Acts againſt *Diſſenters*, were projected in favour of the *Proteſtant* Religion; it was ſtrange they were ſo much promoted (as many 'Members now here, who did ſerve in thoſe Parliaments, do remember) 'by Sir *Tho. Clifford*, Sir *Solomon Sweale*, and Sir *Roger Strickland*, who 'have ſince appeared to be *Papiſts*. — Sir, I am afraid the name of the 'Church hath been ſtrangely made uſe of to bring in *Popery*, &c. upon 'which, reſolved that the ſaid Bill be committed upon the Debate of the 'Houſe for uniting *Proteſtants*.

The laſt Act to be executed, is that of 22 *Ch.* II. c. 1. *Seditious Conventicles prevented and ſuppreſſed.* 'The Perſons againſt whom it is levelled, 'are deſcribed to be Seditious Sectaries, Diſloyal Perſons, who (Hypocrites) under pretence of tender Conſciences, have or may contrive Inſurrections.

Inſurrections. Concerning this Act, let us obſerve the Time when it was enacted; it was *Anno* 1670. Since which time, we may not paſs over, without loſs to the Argument, how the Thoughts of our Governours and Law-makers have turned to another point, and that very Parliament, which was obſerved for a very great part of it to be young Gentlemen, growing older, grew more cool and moderate towards differing *Proteſtants*, more ſuſpicious of *Popery*; and the more reſolute they grew, in maintaining Property and the Proteſtant Religion, and to break the Arms and the Legs of growing *Popery*, the more temperate they grew towards the *Nonconformiſts*, not to take any Strength from His Majeſtirs Declaration of *March* 15, 167$\frac{1}{2}$, becauſe it ſeemed to tend to the Propagation of *Popery*, and was recalled upon the Parliaments Repreſentation, altho ſome wiſe Proteſtant States-Men, thought that Declaration would be a kindneſs to *Diſſenters*, and no greater Injury to the Church and Proteſtant Religion from *Popery*, than they received by *Popery*, growing apace under the Benignity of a Connivance and Favour of great Men. Not to take hold of this, to ſhew that the King thought fit to mitigate the rigor of that Law, the very next Year after it was enacted. That which gives Strength to my Argument is this, that at the next meeting of the Parliament, which began *February* 24, 1672, an Act paſſed againſt the *Papiſts*, and a Bill was preſented by the Houſe of Commons to the Lords, in favour of Diſſenting, and for uniting *Proteſtants*, which (as ſome that have as much reaſon to know as any who write) would have paſſed, if they had had time to ſit; and from that time, that long Parliament, who had made the Act againſt Conventicles, how reſolute ſoever they were againſt an Indulgence, *February* 15, 1662; they ſaw the incompatibility between Execution of their own Law, and the Preſervation of the Proteſtant Religion, and ſaw a neceſſity of uniting *Proteſtants*; at the ſame time, when they ſaw our increaſing Dangers from the Increaſe of *Popery*. And our ſeveral Parliaments ſince, have reaſoned upon the ſame Principles and Foundations once again, ſo far as to commuit a Bill to unite all *Proteſtants*. And now I have prepar'd my ſelf for this Argument; It is not well done, and cannot be good for the Church or Kingdom (and if not good to them, it ſhould not be thought good by *Proteſtants*) which that very Parliament that made the Act, and many other Parliaments, thought not good for the Church and Kingdom. For ſome particular Magiſtrates, upon the Information of ſome ſelf-ſeeking Informers, to execute the Laws againſt the ſenſe of the *Legiſlators*, who ſhould (and certainly did) beſt know, what was for our good, is to oppoſe a private Opinion to a publick Deliberation, and a private Spirit againſt a publick. That I may draw theſe Reaſonings to a Concluſion; it is not a due Execution of the Laws,

except

except it be upon the Persons, and to the ends intended in the Laws. But if you would execute the Laws upon the proper Objects, you must execute them upon *Seditious Sectaries, disloyal Persons, very Hypocrites, that do under pretence of Religious Exercises, instil Principles of Schism and Rebellion into the Minds of the King's Subjects.* The Law goes upon such a Supposition, and to prevent such Mischiefs; but if there be no such Meetings, to such a Tendency, there are no Persons that deserve such Executions: If there be, let them be tried; if there be not, of all times, is there no time but this, for Protestant Magistrates to go upon the Information of Informers, to give Countenance to a Scandal, that *Protestant Dissenters*, are as pernicious to the Government, as confederated *Papists?* And that *Protestants* should act contrary to their Principles, contrary to their Interests, to bring certain Ruine upon Themselves, Families, and Friends, without any the least hope of Relief, or mending their Condition! A Game indeed! to set Informers to find a Hare, when they should run down the Fox.

If this be not to sin against Love to *Protestants*, because of some Omissions, or against Knowledg, it is sin against Sence, and many Years Experience. If you do really believe, and can prove by full and honest Evidence, that such Men have preached such Doctrines, take them as Traytors, and never proceed against them as Dissenters, for preaching in a manner different from the Liturgy.

These Arguments proceed from consideration of the Laws, and are but my first Head of Arguments.

The second sort of Arguments is drawn from the Fact, for which the Dissenters are to suffer.

The Crime, *primâ facie*, is preaching in a manner different from the Church of *England*, and not according to the Liturgy, to numbers above Four, besides the Houshold. This is the Fact. The Proof of it, is either by Confession of the Parties, which we will not suppose, or the Notoriousness of the Fact, which needs further proof; it all depends upon the Oaths of two Witnesses. What do they depose? They (who perhaps know not what an Oath is, nor what a Sin Perjury is) depose, that *A. B.* preached at such a time or times, in such a place or places, to such numbers, against the Statute. But what if the Preacher preach'd true Doctrine? exhorted to Peace and Holiness, Obedience, Justice, Mercy; and not one word tending to Schism or Rebellion? What if the Person be a loyal Subject? These things are out of the Question, out of the Deposition. But if these Witnesses cannot depose, that such a Preacher is a Disloyal Person, his Preaching to be to instil Schism or Rebellion, or

to

to move to Insurrection; then if the Execution be according to the Deposition, it is Execution upon Persons not intended by the Law, and for preaching not forbidden by the Law; for the Law forbids not Preaching, but to such an end. There is one Catching Circumstance, it was above the Legal Number: But yet one would think that that should not be a Crime, except Rebellion and Insurrection be the intention of the Person, and the effect of the Thing. For many, for five hundred to hear a good Sermon, in a peaceable manner, is in it self no Crime; the Number, and the Preaching, must be to an ill Design, in the intention of the Law: For it were impious to forbid Preaching in it self. The Evil of it must be in the evil of the Matter, and evil of the Design; and by Consequence, only such Preaching, and such Numbers, are liable to the Penalty, that is, of a destructive or offensive Design; unless you punish for Preaching, which is good, separate from the Design, as evil. This premised, my Argument is this;

It is not good but evil, to punish well doing, as if it were evil doing; and to punish Preachers and Hearers, that never preached nor heard Rebellion or Sedition, as if they were the highest Criminals in a Kingdom.

But to issue out Warrants, and execute them upon Persons, when nothing is proved against them, but what is good and not prohibited by the Law, as evil in it self, but as evil to an evil end, *viz.* Preaching is not good, therefore it is not good to punish them, *&c.*

To punish a Fact, that in the intention of the Persons, or nature of the Thing, hath no tendency to Mischief, to be prevented by the Law, is not good but evil; because the Execution is not directed to the end of the Law, and by Consequence it is no legal Execution.

But to execute the Law for preaching, and hearing, upon Preachers and Hearers, whose preaching and hearing hath no evil tendency to Sedition, Rebellion, Insurrection, or Schism, is such an Execution. Therefore it is not good, but evil.

The Minor is proved from the Peaceableness of the *Nonconformists*, Piety of their Principles, from the many Years Experience and Effects; and seditious, or rebellious, or schismatical matter, are not the things sworn against them, or can be sworn, but preaching to such Numbers, and hearing in such Numbers, and in a manner different from the Church of *England*, which may be, and yet not ill, and may not be so for all the Informers know.

Obj. But the Law forbids such Men to preach, as conform not, swear not, and in such a manner, and to such numbers of Persons: If the Law be good, it is good to execute them.——

Answ.

Anſw. The Law forbids ſuch Men, as are *ſeducing Sectaries, diſloyal Perſons, to ſuch an end, as was often named.* And ſuch Perſons, and ſuch Religious Acts, abuſed to a wicked end and purpoſe, and none elſe. If the Perſons are not ſuch, nor the Religious Exerciſes ſo abuſed to ſuch wicked purpoſes, then you muſt hold that either the Laws can, or do forbid thoſe Men that are good, to do that which is good, and ſo forbid abſolutely that which is good; which is to ſcandalize the Law, and them that made it; or you muſt yield the Execution to be ill, and illegal, except thoſe Perſons, and Actions be taken relatively to thoſe unlawful Deſigns, which if proved, they are Criminals of another nature; and if it cannot be proved, they ought not ſo to ſuffer, as if they were what they are not.

My third Argument is taken from the Conſideration of the Perſons, and of the Facts. 1. They are *Proteſtants*, if you believe me not, try them. 2. They meet for Religious Exerciſes, and holy Ordinances; not for Sedition or Rebellion, or to move any Inſurrections; if the contrary can be proved, I'll grieve and pray, but never plead for them. But both the one and the other is evident; that which is ſworn againſt them is neither Sedition, *&c.* but Preaching, as was ſaid before. Hence I form my Argument.

It is not good, but evil, to uſe Diſſenting *Proteſtants* worſe than ever *Papiſts* have been uſed.

But to execute thoſe Laws upon Diſſenting *Proteſtants* neither for Rebellion, nor moving Inſurrections, is to uſe them worſe than ever *Papiſts* have been uſed. Therefore it is not good to execute the Laws upon them.

It is to be more rigorous towards our Brethren, and ſuch as agree in one and the ſame King, ſame Laws, ſame Worſhip as to the ſubſtance of Chriſt's Ordinances, and are willing to unite, than you are towards Men that own another Supremacy, King, and Biſhops, are idolatrous in their Worſhip, and are for rooting us out, and not taking us in, without hazard of the Truth of Chriſt, and Hypocriſy, and Eternal Life.

To puniſh *Diſſenters* for preaching, and other Exerciſes of Religion, becauſe to ſuch Numbers, and not in ſuch an uniform manner, is to puniſh them for Religion. If Religion be the Cloak, and Rebellion or Sedition be the Miſchiefs to be concealed and conveyed under it, then Religion is but a pretence, and that cannot excuſe them from ſuffering, which doth highly aggravate the Sin. But if neither be inferred from their Principles, nor infuſed into their Exerciſes, then there is no danger to the King, in his Life, Prerogative, nor Authority. If neither hath been found in any of them, it is not juſtly imputable to them; and then, if their Preaching and Prayer be the Fact, for which they ſuffer, they ſuffer for that

which no *Papiſt* ever ſuffered for alone. For the clearing of this, and proving of it, I will diſtinguiſh Puniſhments, into Capital, and Pecuniary or Real. No *Papiſt*, whether Prieſt or Lay-man, ever ſuffered Death in *England* for Religion, but for Treaſon; and their fore-acted Conſpiracies and Treaſons, conſtrained Queen *Elizabeth* and King *James*, to make Laws for their own preſervation. This is proved by King *James*, and all our Proteſtant Writers againſt the Papiſts; I need not quote particulars: This is particularly proved in a peculiar Treatiſe, penned by the direction of the Lord Treaſurer *Burleigh*; as the learned Publiſher of the Collection of ſeveral Treatiſes, tells us in his Epiſtle, concerning the Reaſons and Occaſions of the * Penal Laws. And what is there proved, is acknowledged by the Secular Prieſts 1601, in their *Important Conſiderations*. But if our *Nonconformiſts* ſhould be proſecuted upon the 35th of *Eliz.* if they will not conform upon their three months Impriſonment, they muſt abjure the Realm; and if they go not away, or return without the King's Leave, it is Felony, and that is Capital. And if it be for Nonconformity, it goes under the name of *Conſcience*, and for *Religion*, without any guilt, or proof of Sedition or Treaſon; and ſo they will ſuffer for Religion, and for no other but the *Proteſtant Religion*, what *Papiſts* never did but for Treaſon. And the Queen paſt over many juſtifiable occaſions, of an earlier ſeverity: The Supremacy of the Pope was a tender point of Jealouſy, and a trial of the Queen's Patience; but ſhe was not kindled by it, but ſuffered many that were in that point for the Pope, and againſt Her, to enjoy their Eſtates, and Honourable Liberty, with Men of as great Quality as themſelves, or in their own Houſes. Dr. *Heath*, Arch-Biſhop of *York*, and Chancellor to Queen *Mary*, enjoyed his Eſtate, and Liberty in his own Houſe till his Death. Dr. *Poole* Biſhop of *Canterbury*, Dr. *Tonſtal* of *Dureſm*, Dr. *White* of *Wincheſter*, Dr. *Oglethorp* of *Carliſle*, Dr. *Thirlby* of *Ely*, Dr. *Watſon* of *Lincoln*, were not preſſed with any Capital Pain, tho they maintained the Pope's Authority againſt the Laws of the Realm: and ſome Abbots, *&c.* as you may ſee it in the aforeſaid Collection, 1ſt *Treat.* p. 10, 11. and acknowledged by the Secular Prieſts —— while her Majeſty and the State 'deale with the *Catholicks*, as you have heard (which 'was full eleven years, no one *Catholick* being called in queſtion of his 'Life, for his Conſcience all that time.) Conſider how ſome of our Pro-'feſſion proceeded with them. Her Highneſs had ſcarcely felt the Crown warm

Vid. Torturam Torti. *per. Ep. Ciceſtrienſem. Bp* Andrews, *p.* 145, 146, 147.

The Execution of Juſtice in England, *not for Religion, but for Treaſon.*

* *Reprinted at* London, 1675.

Important Conſiderations, p. 54.

'warm upon her Head, but it was challenged from her by ſome of her 'Neighbours, as Mr. *Saunders* noteth, *&c.* p. 55.

Let us paſs from Capital to Pecuniary Mulcts, and compare them. Of all the Laws againſt Popiſh Recuſants, none ſeems more to puniſh them for Religion, than their not coming to Church, and their ſaying or being preſent at Maſs; and the Fines impoſed for thoſe Acts of theirs, The Forfeiture upon him that ſaith Maſs, is 200 Marks, and a Years Impriſonment; upon him that willingly heareth Maſs 100 Marks, and Impriſonment for a Year; for not reparing to Common-Prayer, 20 *l.* every Month, and forbearing to come within twelve Months, ſhall be bound in a Bond of 200 *l.* to the good Behaviour. But beſides the Idolatry of the Maſs, theſe Laws do not proceed againſt the Maſs, as an idolatrous Worſhip, * and as it is Religion; but as there is Treaſon againſt the Government in that Worſhip. For the Maſs is celebrated by a Prieſt, and a Prieſt receives his Ordination from the Church of *Rome*, and is a Subject to the Pope's Supremacy, acknowledges his Juriſdiction, and denies the King's in Eccleſiaſtical Affairs. There never was any Treaſon without a Prieſt in it, nor Maſs without a Prieſt, ſays Bp *Calton*. The very Form of Submiſſion enjoyned to all them that conform to our Laws, and come to Common-Prayer, doth evidence this Truth. 'And to acknowledg and 'teſtify in my Conſcience, that the Biſhop or See of '*Rome* hath not, nor ought to have any Power or 'Authority over Her Majeſty, or within any of Her 'Majeſties Realms and Dominions, *&c.*

Anno. 23*d Eliz.* c. 1.

* *Nemini potuit eſſe obſcurum, Leges quæ feruntur, mulctas quæ dicuntur hic apud nos in Recuſantes, ferri & dici non Religionis cauſâ* meræ, *ſed* mixtæ; *mixtæ cum malâ Mente & Fide in Principem; nec niſi in Recuſantes Bullatos.* Tor. Tor. *p.* 132, 133.

* 35*th Eliz.* c. 2.

But our *Nonconformiſts*, will willingly renounce the Papal Juriſdiction, and own the King's Supremacy, and refuſe not the Oaths of Allegiance and Supremacy, which the *Puritans* of former times refuſed not, but took. Mr. *Baxter* profeſſeth in the name of the *Nonconformiſts*; 'The Article of 'Religion for the Power of Kings and Obedience 'of Subjects: we need not tranſcribe, but do con- 'ſent to it, ſo we do to the Canons, which require 'the Oaths of Allegiance and Supremacy, and an- 'ſwerable Obedience to all the Homilies againſt Rebellion, and for Obedi- 'ence, and all that ever we found to be for this, the publick Doctrine of the 'Church. Mr. Baxt. 2*d Plea for the N. C. p.* 86. *ſ.* 10.

Vid. Bp *Andr. Tortur. Tort.* p. 110. & 379. —— *Profitentur, ſubſcribunt, jurant indies.*

Their Worſhip is pure, but in the ſence of Laws defective, as not being with, or according to the Liturgy. And what manner of *Proteſtants* they are, let their publick Confeſſions, their private Writings, and their Morning-Exercifes againſt Popery teſtify. Which of all the 1800 or 2000 Miniſters caſt out *Barthol.* 1662, was ever found, or ſuſpected to be, in any Conſpiracy againſt the King or Government, how ill ſoever they have bin uſed? There are a reviling ſort of Rake-hell Scriblers, that they may find but a Brand, or a Coal to ſmutch any of them with, that tranſgreſs the Act of *Oblivion*, which the Royal Party did need, as well as the other ſide, for all they did without lawful Commiſſions. But ſince the days of the Flood of Confuſions and Miſeries, which of them all is guilty? I write this for the honour of our Common Profeſſion, and for the Glory of God therein. And yet, bring them to account upon the Five Mile Act, and how many Forty Pounds? and upon the Act againſt Conventicles, then Twenty pounds for every Sermon by the Preacher, and Twenty pounds the Maſter of the Houſe for every Sermon the firſt time, and Forty pounds the ſecond, and afterwards for every ſuch Offence Forty pounds, &c. How highly will two Sermons a day amount! and five ſhillings a time to every Hearer! &c. And it is enacted that the Law be conſtrued moſt largely and beneficially for the ſuppreſſion of them. Our Juſtices have need of Mercy! and for encouragement to the unskilful Juſtice, no advantage ſhall be taken for any default in any Form, or Proceedings. The Law by this ſecurity and indempnity hath been very merciful to many Juſtices, not trained up in the Formalities of the Law; by way of recompence, let them be the more merciful to the many honeſt Offenders, that worſhip God in Chriſt with their beſt Judgment, or upon involuntary Miſtakes.

My laſt poſitive Argument ſhall be this, and I appeal to any Man of diſcerning, whether upon the firſt hearing of it, he be not taken with it, if not overcome.

It is not good (no Man can ſay it is good) to execute the Laws with a like heavy hand upon all, and every Offender, without making a difference betwen one Man and another, between one Offence and another.

There may be a conſiderable difference between one Preacher and another, one Hearer and another, one place, and one time and another. But the Penalty ſweeps all before it.

Obj. The Law makes them all alike, therefore the Executioner muſt act by the Law, the Ballance is out of, and not in his hand.

Anſw. True, but how? ſtill upon ſuppoſition of the evil Intention, or what was the cauſe or Reaſon of the Law, and then I confeſs, the Puniſh-

Punishment is but moderate, upon the least and weakest Infuser of Rebellion, or mover of Insurrection.

Justice is impartial, but never so impartial, as not to examine Circumstances, which make an alteration, or difference between Things and Persons. Crimes have their Mitigations as well as Aggravations; and Judges will weigh them before they proceed to Sentence, and temper Judgment with Mercy; it moves a compassionate just Judg to pronounce a deserved Sentence. The Justices are to require the Execution of these Penal Laws, but with no distinction, and no more Mercy, than the hungry Informer, who perhaps hath wasted his small Fortune in a sinful way, and acts upon no better Principle than Covetousness, and Anger against Religion, which he never loved so well, as to practise, nor ever learned so far as the Church-Catechism.

Must a Loyal, Learned, Laborious Preacher, that preacheth the greatest Truths of the Gospel, and preacheth Holiness and Peace with the greatest Fervour, that never taught any Defection, but from the Prince of Darkness, and the Law in the Members; that perswades Men to be reconciled to God, to take Christ's Yoke, to learn of him; which whosoever doth, deserveth the esteem of the best of Men? Must such a Preacher pay so dearly for spending his Days, and Strength, and Pains, to do good to Souls, to mend an evil World? and no Consideration had either to his Merits, Soundness of Judgment, Holiness of Life, Peaceableness of Behaviour; but he must suffer as if he was a dangerous Novice, a Corrupter of Manners, and a Sower of Tares? No respect to his Gray-Hairs, the chargeableness of a diseased Body; to the many chargeable Removes he hath made, to the Dependence of a Family, for Subsistence, &c! No Commiseration to the poor and needy! Is there no allowance for a Man to preach, where multitudes of Souls do perish for want of Knowledg? and others hunger for the Word, and have none to guide them, but perhaps one that cannot guide himself! What if a man spends his Pains in a place where there are many Parishes, that consist of many Hamlets, and all cannot, that would, come to Church, especially in Winter-time? What if a good Man preach in a Parish, where are many that cannot hear in one Place? What if a Man take Pains in a place, where to many Churches there is not maintainance for one Minister, to live like a studious and a sober Man, such as no Man will accept; but the young and unexperienced, in hopes of a better in time? yet shall there be no regard had to these, or many more Circumstances that make the Labours of good Men necessary and profitable? But it is hard when that which deserveth Thanks and Encouragement, shall be rewarded with ruine to a Mans Estate, to a Mans Health and Life, and be baited by Reproaches, as he goes to the Justice,

or

or as he is ſent to his Priſon! ſo was good Mr. *Joſeph Allen* uſed.

I have ſtaid a great while upon the Poſitive before I am come to one ſtep of the Comparative. But if I have laid that ground-work well, my Comparative will riſe apace, and ſtand firm.

For my clearer Procedure, I will lay the Comparative between two.

1. Compare the Good you aim at by the Execution of the Laws, with the Good of forbearance of that Execution.

2. The ſuppoſed Evil of the forbearance, with the real Evil of the Execution.

First, The Good you aim at, by the Execution of the Laws, may I think, be reduced to theſe Heads expreſſed in the Acts of Parliament; for you cannot aim at any Good by the Execution, but that which was aimed at by the Laws which you execute. I will name them particularly; First, for the preventing and avoiding of ſuch Inconveniences and Perils, as might happen and grow by the wicked and dangerous Practiſes of ſeditious Sectaries and Diſloyal Perſons, by ſetling in Corporations, thereby taking occaſion to diſtil the poiſonous Principles of Schiſm and Rebellion, to the danger of the Church and Kingdom. For providing ſpeedy Remedies againſt growing and dangerous Practiſes of Seditious Sectaries, &c. contrive Inſurrections (as was ſaid before) Theſe are the Benefits you aim at, if you aim according to the Law. Compare the Hiſtories of the times with the Laws, and you will find that the *Nonconformiſt* Divines, who pleaded for the Diſcipline, were not ſo branded, ſuch as Mr. *Cartwright*, and others of his way. But (beſides the *Papiſts*, which that Law ſtrikes at alſo) before that Law was made, *Hacket*, *Arthington*, and *Copinger*, had ſhewed themſelves; and what were they but brainſick, mad, ranting *Phanaticks*, and Blaſphemers? And after the Law was made, who were taken and puniſhed (as Mr. *Cambden* obſerves) but *Barrow* and *Perry*? and what did they ſuffer for, but for Seditious Books? 'Barrow and his 'Sectaries did *ſow monſtrous Opinions*, condemned 'the Church, did derogate from the Queen's Authority in Eccleſiaſtical 'Matters. And what dangers the Queen and State were in, from the *Papiſts* at that time, may be ſeen both in Mr. *Cambden* and the Reverend Bp *Carleton*, both from publick Enemies, & ſecret Conſpiracies,

Act XVII *Ch.* II. *Nonconformiſts reſtrained from inhabiting Corporations.* An. Car. II. 22. c. 1.

Vid. Cambden. Annales Eliz. *Anno* 1591.

Annales. An. 1593.

Thankful Remembrance of God's Mercies. c. 13. *Hiſtorical collections in ye Addreſs*

Dr.

Dr. *Lopez*, (the Sir *George Wakeman* of thoſe days) being then Phyſician to the Queen's Family) was to poiſon the Queen. *Proteſtant* Princes ſhould beware of *Jewiſh* and *Popiſh* Phyſicians. But *Lopez* ended his days at *Tyburn*.

What Poiſon our *Nonconformiſts* did infuſe into Corporations, or what Inſurrections they moved; I do not hear, nor read of any Inſurrection, but in the North, by ſome of the diſcontented Army, when fruſtrated of their Hopes, and of *Venner* and that deſperate Company. Another Plot I have ſome where read of, of *Green*, and other *Phanaticks*, blown up and incenſed by the *Jeſuites*, to take away the King, and burn the City; when thoſe deluded Men were engaged, the *Jeſuits* gave them the ſlip, and left them the Halter, *April*, 1666. But which of all the *Nonconformiſt* Preachers was in any of thoſe Deſigns? There is a difference between the time of making and of executing the Laws, ſuppoſe that there was apparent danger (ſuppoſe it, which is more than I or others know) then from *Nonconformiſts*; yet if now we have the Experience of almoſt twenty Years, of their Loyalty and Peaceableneſs, why ſhould the Laws made againſt them that may be Tranſgreſſors, be executed upon them that are not Tranſgreſſors? The Law is to prevent a Fact, but the Execution follows it. The Law may proceed upon Suppoſition, and ſuſpect ſuch a thing may be; but the Execution goes upon proof, that ſuch a thing there was. If ſuch an Evil cannot be proved, why ſhould the Penalties be impoſed?

The Story touched by Sir H. C. in his Speech, October 26th, 1680.

Now they who are urgent for the Execution, muſt hold This, that it is better for the King, his Kingdoms, and the Church, to puniſh the *Nonconformiſts* according to Law, than to ſpare them. How vain and unreaſonable a Propoſition and Judgment is this, when we do plainly ſee the King, and Kingdom, and Church are ſafe from any Conſpiracies, or ill Deſigns, or poiſonous Infuſions from any of them: Certainly if any City or Corporation be in danger, it is *London*; but, to God's Glory be it acknowledged, none of their Preachers have proved ſeditious. What a convincing Proof did *London* give of their Loyalty and Valour, in that furious and aſtoniſhing Inſurrection of *Venner* in the City? Were not the *Diſſenters* then in Arms? and were not their Numbers great? How eaſy had it been for them to attempt, at leaſt, any ill Deſign? but as their Loyalty took up Arms; ſo their Loyalty laid them down. And, let ſome ſay what they can, are there any Men more ſevere than *Diſſenters*, in point of Ceremony, againſt Heretical Blaſphemers, and unruly Sects? not only as differing from their Models and particular Humours, but as contrary to the Fundamental Principles of Religion and Government? The ſeverity,

of

of New-*England* and other Places, are Proofs beyond denial of this Observation. There is not a wise Man, but must maintain Government, and submit to that he lives under, as far as he can without Sin; and Distraction is an unfit means to a Reformation. Except a Man could certainly foretel who shall conquer, it is madness in any Man or Men, to move a War, and by Sedition to get into the Throne, and set up himself and his own way. When the *Nonconformists* are fallen mad, let them be used as such; but while there is any Wisdom in them, or these prevailing Principles of Religion and Obedience; their Enemies may bely them, and labour to make the malicious swallow as gross things as Transubstantiation, things against their senses; but they will confute them by their Patience. But suppose them to be overstored and set with the Seeds of Rebellion and Sedition; what is Sedition, but the * *disturbance of the publick Peace*, as it is defined by the Lawyers. Now either they can command and restrain those ill Inclinations; if so, they are wise and quiet; or they cannot; then they are rash and stomachful. Is it not therefore better to let them be quiet while they are so, than provoke them by Mulcts and Ruine to make Insurrections? especially at such a time when we have Enemies in our very Bowels, that can take the advantage of a Diversion. The State can get nothing, by the best effect of troubling of them, but Peace, and that is had without troubling of them: It is better to forbear a needless Trouble, than to make it.

* *Seditio est publicæ Pacis Perturbatio.* Calvin. *Lexcion Juridicum.*

But secondly, It may be thought better for the Church, to execute the Laws upon them than forbear them, and therefore it will be better for the State.

For the proof of this, there is one end proposed by the Law, in reference to the Church, To prevent, or cure the mischief of Schism. It is but vain to talk of preventing Schism; the Seed of that was scattered before, and took Root; the thing now to be desired, is the Cure of the Distraction, or Schism; The Method of curing, is by an effectual Application of Law and Power; of which Application, there are but two things to be looked for;

1. A gaining of the *Dissenters* to the Church, and that is Union. A happy Effect! if it can be produced.

2. The second Benefit will be, a Reduction of them to their stinted Numbers of Four besides the Houshold; you can never suppress them by this Execution, for the Law hath provided against a total Suppression of them, by a tacit allowance of different Worship to such a Number.

I pass over one Advantage, which may be aimed at; It will drive some out of Corporations, and further from their former Parishes, or places of Residence,

Residence, for this is but inconsiderable. For first, many have taken the Oath, and explained their sense, they may stay; and for them who have not, they may exchange with others; and you are but where you were, except the putting of them to a new, and greater Charge; which is not merciful, except you propose a publick Good: Besides, Corporations can choose Parliament-Men without their Influence or Direction, if that be of any Consideration.

To the first of these two, I observe your Proposition is this, *It is better to gain, and unite the Nonconformist Dissenters to the Church, than to permit them to meet as they do.* That's granted you in the general, but come to the way and means, and assume this: But the severe Execution of the Laws upon them, will bring them in, and unite them; therefore, *dictum factum!* But do you think so in earnest? You may as well say, that Informers were ordained to convert Souls, to reclaim straying Schismaticks, and that there is more Power in Law and Justice, than in Law and Grace.

But first, How many *Anabaptists* and *Quakers* have been converted by Excommunications, Imprisonments, and Fines?

2. You may restrain many from going to Conventicles, that's certain, but what's the Church the better for that? They go not to Conventicles, but may they not stay at home, wander abroad, and do as thousands of our miserable Persons do, that come to the Font by Baptism, but not near the Pulpit and the Communion-Table! But suppose these Conventiclers will be better than thousands, and come to Church; then either they are convinced, and change their Judgments, or retain their Judgments, and still hold Schismatical Opinions. How can you expect to change their Judgments, or gain their Affections, by punishing or threatning? The greatest Good you can propose to them, is to bring them to Parish-Preachers. But what if either want of Preaching, or want of good profitable intelligible Preaching, was the cause of their going to them they liked better, and got spiritual Good by? Indeed if you could engage to them, that if they forsake their Preachers, you will provide holy, profitable, and painful Preachers in all places, which you can never do, then you might gain them; but if they come to our Churches against their Judgments, then you convert the Schismatick into a Hypocrite, or Atheist, and to serve God, because it is the Religion of the Country. And what will the Church be the better for such? Alas! we have more of such already, than we know what to do with.

3. Is it probable you will ever gain such to an Uniformity, that have been many Years settled in their Dissatisfactions? and from the first day of their Ejection reckoned what it would cost them? and since these Additional Acts have been made, are as resolute as ever; and that are so

convinced it is their Duty to preach, and hear, and worship God in the way they have chosen, that they look for a Reward in Heaven! Is it likely that they who think their present Sufferings will be rewarded in future Glory, will for their temporal losses of Goods, &c. be converted by a Warrant of a Justice? It can never be rationally expected; you may ruine them, but it is next impossible to bring them over to the Church, as long as the matters of Offence remain unremoved, or unabated.

4. Was ever a *Nonconformist* before the Year 1670, or 71, brought to Conformity by that Severity? You may rather think they will do, as then they did, be more retired, but as much resolved. And that which is, as you account better, seems to me either unattainable, or undesirable. If they may not have Liberty to meet in publick, they will take that course which is left them; and that is to meet, not exceeding four, besides the the Family: And then your Proposition will be this, It is better to force the *Dissenters* by severe Penalties to their private Houses, and their tinted Numbers, than permit them to meet as they do, contrary to Law.

Well then, you say it is better to confine them to their Houses, and to the Number four over and above, than to permit them as they do. But for what Reasons? observe we are upon this Head, as it is better for the Church. And that to cure or prevent further Schism, I can imagine but these Reasons for it:

1. Because their Nonconformity will not carry such a direct and open Opposition to the established Worship.
2. Because they cannot corrupt such Numbers.
3. This will break and weaken them.
4. Because, when it will be so difficult for them to meet, they may rather, being tired, come to our Parish-Churches.

But will you conclude your Argument upon any, or upon all these Reasons? which is, That it will cure the Schism, and prevent instilling Schismatical Principles. Let us come up to the first.

First, I say, that you cannot prove the publick preaching of the *Nonconformists* to be an Opposition to the Church, any more than the *French*, *Dutch*, and *Lutheran* Churches, and Preaching. To preach the same Doctrine (as to the general matter) to the same holy Design, Instruction, Conversion, Edification, and Salvation, to pray and praise God by the Spirit in the name of Christ, is not a way opposite to the Church of *England*, or contrary to it, but onely privative it is, as to the Omission of the Form or Liturgy. The Agreement and Consent, and Cooperation, is greater than the Difference or Dissimilitude. If they preached contrary

Doctrine

Doctrine to a contrary End, it were an open Oppoſition; and yet let us remember, The *Jews* the Enemies of Jeſus Chriſt, have their publick Synagogue more intolerable, we may think, than the publick preaching of Orthodox Chriſtians.

2. But becauſe they preſume upon the Favour of our Governours, if it be offenſive ſuppoſe they'll forbear; doth the ſuppoſed Schiſm ceaſe, by their Secrecy? not at all: But here ſeems to be a greater Schiſm, or Separation (ſuch as it is) than the publick. 1. Becauſe here's Private in Oppoſition to Publick. The Church worſhips God openly in Churches, they privately in a Room. 2. Becauſe if this meeting in private be ſchiſmatical, it is the more legal, and the more legal, the more ſafe and ſecure. 3. The Sciſmaticks, (I'll call them ſo for faſhion ſake) are multiplied by this means. Break up the publick into twenty or fourty private ones, and then for one in publick, there will be twenty or fourty Schiſmatical Meetings. It is true, they are ſtill obnoxious to other Laws; but they are diſcharged from the Severity of this, and thus you count the Multiplication of Schiſmatical Separate Meetings, a Gain to the Church: take it! ſee what you get, your Will, and what more?

Your ſecond Reaſon is, Becauſe they cannot corrupt ſuch Numbers.

But, 1. I ſay Orthodox Preaching and Praying, is not corrupting; I have ſhewed them to be able and ſound Men.

2. Multitudes will grow more corrupt, for want of their ſound and frequent Preaching. *Vid. Page 60 of the Plea, firſt Part.*

3. If they be heretical and erroneous, they will do more Miſchief by this keeping within the compaſs of the Law, than by preſuming beyond the Law.

4. But corrupt or not, is not the point, the Schiſm is not healed by it, therefore it is not better to reſtrain, *&c.*

Thirdly, you ſay, This will break and weaken them. It may do ſo indeed. But except the Church gets them into Conformity, which it is not like to do (as was ſaid before) how is the Schiſm cured? but indeed ſound Chriſtianity will be in danger of loſing, and our Church paſt hope of getting.

To your fourth Reaſon I anſwer.

1. True, it will be difficult, and inconvenient for them to meet; they will tire and kill their Preachers; but what gets our Church by that? Is the Schiſm repaired?

2. They will (I'll say as you would have it) come to Church, but whither, and to whom? to few some famous Preachers, for they will hear but the best, till there be no room: and what then? Those famous Preachers shall bear the Reproach of being popular, and Fautors of the Faction, and inclining to the Party, and will be no better than the *Nonconformists*; and how will the Wound be healed when Emulation and Envy encreaseth, and the *Dissenter* will be a Temporizer, and a Church-Schismatick, and the *Conformist* that tolls him in. Now you having shewed (for now I fancy my self disputing) the Good of Execution, and have not gained the point; give me leave to shew you the Good of Forbearance of the Execution; and as bad as things now are, they are better than they can be, if Rigor be used.

It is an unspeakable Mercy, that things are no worse, that things are so well as they are between *Protestants* this day in *England*. I do not remember, when it was ever better, especially considering the means that have been used to break us; yet there is nothing in this more to be desired, than either a Christian Forbearance, or a Composition with our Dissenting Brethren in Christ, next to Heavenly Communion with Christ. But better, things should remain as they are, than be made worse, by drawing the Sword, tho in the quarrel of the Church. I do not now meddle with the Controversies between the Church and *Dissenters*, to justify the Separation; altho in my own Judgment, I call it a different way of Worship, of Professors of the same Faith, and not a Schism or a schismatical sinful Separation. The Church of *Jerusalem*, might better call the Gentile Churches Schismaticks, than we can call them: and the *Romanists* may with more Reason call us Schismaticks, than we call one another; for we broke off from that Church, established by the Laws then in being, and in long Possession; we separated from them principally for imposed new corrupt Doctrines, and Conditions of Communion, and justify our Separation, and will not suffer to be called Schismaticks; They have a Creed and a Worship, which was never in the Word of God; our Brethren agree in the same avowed publick Creeds and Doctrines, and all the parts of Gospel-Worship. And it is more brotherly to denominate them from their Agreement with us, than from their Dissent and Disagreement from us. —But I must not digress, and this I humbly submit.

The thing now to be done, is to make the best of our Differences, and what's best to be done as the Case stands. It is better, as more conducing to the ends of the Laws by which you proceed to suppress them: Therefore it is better. The ends of the Laws have been declared above, as respecting the State and the Church.

1. With respect to the State. When they preach in publick, they are known to be the same Men, that upon Principles of Loyalty, and Conscience prepared the People, or concurred with the Loyal Nobles, and Gentlemen and Commonalty of *England*, to bring back the King. They are known to the Land, which once accounted them a Blessing to it, their Judgments and Practises are known, and while these are in the head of the younger *Dissenters*, they are as Directions and Examples to them, to keep them from dangerous Excursions. When His Majesty was moved to grant an Indulgence, the indulged were to give their Names, and their Places, which they did, and this was cautiously done, for the safety of the Kingdom, there being less danger from a Person known, than one unknown, and a great Obligation upon a known Person to keep within tolerable Bounds. Our greatest Dangers have been from Persons of many Names, many changes of Wiggs and Habits, and moving up and down the Land in secret, and Disguises.

2. It is better for the State. For when learned and good Men have their publick Liberty, they will by sound Doctrine, teach, perswade, exhort, reprove, instruct them in their Duties to God, to the King, *&c.* Charge them to be subject to Principalities and Powers, and to obey Magistrates. And while they preach sound Doctrine, one end of the Magistrate's Care to the State is obtained.

3. They cannot possibly sow Sedition, or move Insurrections in publick Assemblies, if they were so wickedly disposed. The safety of King and Kingdom, and the Confidence of the King and Kingdom may rest undoubted, as to any ill Designs of those Preachers, while they preach in publick. And I do humbly offer it to the Consideration of all Loyal, Protestant Magistrates, to forbear to drive them into private Houses by their Severities, because under colour of private Meetings, our destroying, perfidious Enemies of *Rome*, may sow Sedition, and further plot upon *Protestants*. They may as well proclaim a Rebellion at the *Exchange*, *Cheapside*, or in a Parish-Church, as preach it in one of their Meeting-places.

4. It is better they should be spared than prosecuted, because they will be better enabled and more encouraged to perform other Offices and Duties to the King and State, than they can possibly, by being ruined in their Estates.

5. They have many Friends and Relations in the Church of *England*, which must suffer many ways, in their Poverty and undoing; It will be a Tenderness and Kindness to them, to have them spared, and not beggared, or forced to leave the Kingdom.

Lastly, It is certain, that it conduceth more to the publick Peace if for when *Dissenters* are connived at, and gratified, they are so far obliged

and

and owned; and even when their private Diſſatisfactions remain, their Liberty being ſo far indulged, they have no cauſe to complain of the Magiſtrate; and while they are not diſturbed by him, committing nothing that is provoking, they even from Intereſt and love of Quietneſs, if their Conſcience of Duty lay dormant in them, will not diſturb him that permits them. The publick Peace is beſt ſecured, when Men of private Opinions keep them private, and have no diſturbance given to their Peace. I do not ſpeak this, as if I feared their Turbulency, but granting for Argument ſake, that they have Touchwood in them, keep Fire from incenſing it, and it will do no harm.

Secondly, Forbearnce will be better for the Church, and prevent a greater Schiſm, againſt which the Laws ſeem to fortify it.

1. By their publick preaching, or as they can. We have a great conſiderable number of able Men, that influence the People, that are agreed with us, againſt the Force and Subtilty of *Rome*: therefore the more we have againſt them, the ſtronger we are. Indulge the *Diſſenters*, and you ſecure them, but if not, they'll be afraid of you, and you afraid of them, and by your mutual Fears and Jealouſies, the *Papiſts* get what they get, and not by meer Nonconformity.

2. By this publick way they walk with you, according to the ſame Rule, as far as they have attained, and that this is near enough for Forbearance.

3. The Scandal that is given to forreign reformed Churches is abated, and a great Example given to them that have long contended, under the name of *Luther* and *Calvin*, and others, of Calmneſs and Forbearance.

4. The Schiſm will come hereby to a greater Cloſure than otherwiſe it will; for when the Church is ſatisfied by their profitable Preaching, and peaceable Deportment, they cannot but conceive better of them, and deſire a Peace and Union, and abate ſome things which they ſtand upon; and when they do taſte the Sweetneſs of the Biſhops Temper, they will love and honour them; and the Differences that remain, will appear to be only ſuch, as may be between good Men and Brethren.

5. By this publick Preaching, Multitudes of poor Souls that know not whither elſe to go, and Multitudes that will go no where elſe, are kept in the way of Salvation, and Profeſſion of the Goſpel: And this is that, which ſome Divines of the Church of *England* are ſo ſenſible of, that they treat the *Nonconformiſts* as Friends and Fellow-Labourers; I could if need were inſtance in ſome Great Men, and great Places where this is true.

The

The second Branch of the Comparison now comes to be handled, and then the Argument runs thus: It is better that *Protestant Dissenters* should be spared, or freed from the Penalties of the Laws, than be prosecuted; for the Evils of Execution, will be greater than the Evils of Forbearance.

I am to remember my own Question, and therefore I am not concerned in the Question about Separation, either the Sinfulness or Excusableness of it, which hath been lately largely debated, but what is best to be done at this time, and in this posture of Affairs.

The Unhappiness and Evils of our divided State, have been considered by Divines and States-men. The Divines have opened them in the Pulpit and in Print, and have driven different ways, to the same end, the Union and the Preservation of the Church; some representing the Mischief, have taken the more moderate way of Perswasion, abhorring Persecution, and have so managed their Discourse, as to take off the People from their Teachers, and to bring them to the Church, because there is nothing required of them, but what many of their Teachers allow to be lawful. This way did tend towards Union of the People. Others have urged an Execution of the Laws upon the Brethren, withal perswading them to believe, that they suffer as Evil-doers; and this is to bring home stray'd Sheep through Briars and Thorns.

Dr. *Stillingfl. Mischief of Separation.*

Dr. *Ashton's Toleration disapproved.*

Our great States-men have taken different Measures also. Some have moved for a severe Execution, and to force them to an intire Obedience, saying it was more reasonable they should submit to the Church, than the Church to them. Others being sensible of the Mischiefs, have stated the Case more exactly, and argued for an Union, and this prevailed in the Debate. No Man of Sence or Piety can be insensible of the Sickness of the Family; but whether it be better to kill some out-right, or to starve them, or to suffer them to live, may be easily determined. In a case of Discord and Contention between Brothers, whether it be best to accommodate, or to determine some shall have what they would, and others shall have nothing left, comes near the Case in hand.

Decemb. 21, 1680.

The Dangers of a Forbearance, are the same that were foretold would be the Consequences of an Indulgence, which was opposed by the Parliament in the Year 1662. That House of Commons did argue against an Indulgence, and for keeping up the Act of Uniformity, by way of Prophecy, and fore-sight of Consequences; and their humble Advices presented

to,

to the King, contain the ſtrongeſt Reaſons againſt an Indulgence, that have been found out, and contain the great Inconveniences and Evils of a Forbearance. I will give you the Subſtance of them.

February 15, 1662. 1. An Indulgence will eſtabliſh Schiſm by a Law, make the Government of the Church precarious, and the Cenſures of it, of no moment. 2. It will not become the Gravity or Wiſdom of a Parliament, to paſs a Law (of Uniformity) at one Seſſion, and paſs another to weaken it the next. 3. It will expoſe your Majeſty to the reſtleſs importunity of every Sect, and every ſingle *Diſſenter*. 4. It will cauſe the Increaſe of Sectaries, whoſe Numbers will weaken the Proteſtant Religion; their Numbers being troubleſome to the Government, will, as their Numbers increaſe, be more troubleſome, and from an Indulgence arrive at a Toleration, at length contend for an Eſtabliſhment, and end in *Popery*. 5. It will take away all means of convicting Recuſants. 6. It is more like to occaſion greater Diſturbances, than Peace in the Kingdom.

But as Events prove Prophecies to be true or falſe, ſo Events have proved theſe Arguments to be weak or ſtrong. That very Parliament, the true Proteſtant Part of it, that did faithfully ſerve their King and Country, with the Additions made to them by a latter Election to fill up vacant Places, ſaw where we were, and were ſenſible of the Neceſſity of uniting *Proteſtants* by Act of Parliament, and many of the Epiſcopal Divines, and ſome Biſhops were for it. A clear Diſcovery, that the Miſchiefs of our Diviſions are of that ſort, that it were better an Abatement were made of ſome things, made neceſſary to Uniformity, without which the *Diſſenters* will not unite, than ſuffer them to hang over our Heads, and come upon us.

We plainly ſee that many of the Reaſons of the Commons (1662) are of no Force. I will obſerve what is of preſent uſe to our times, which is the firſt. And

For the other, It became their Wiſdom and their Religion to paſs a Bill, taking from the Act of Uniformity. His Majeſty hath not been moleſted with the Importunities of the *Diſſenters*, who have not ſo much as opened their Grievances, or Petitioned the King or Parliament in theſe many Years.

There is no new Sect appearing, nor increaſe of any by the *Nonconformiſts*, to weaken the Proteſtant Religion, who have uſed Endeavours to increaſe and maintain it; it is in no danger from them, they are not troubleſome to the Government, are not for a Toleration of intolerable Sects and Sectaries, contend not for an Eſtabliſhment, which they would rejoyce in; but as becomes learned Men and rational, and with as great

a Temper, at leaſt as theirs that write againſt them. The Peace of the Kingdom is not diſturbed by them, and if *Popery* come in, it is againſt their Wills, Prayers and Pains to expoſe and and baffle it. It is their Trouble, and a conſiderable part of their Affliction, that they are thought troubleſome to the Government, which may by an ordinary Exerciſe of Patience and Love overcome the Trouble in their own Breaſt, which is the ſeat of the Trouble. And for the only remaining Evil, which is the Evil of Schiſm, it is clear that their Meetings are not eſtabliſhed by Law, and a Connivance gives no Eſtabliſhment to it; but if they be driven from publick, into private Families, and keep within their Number, the Schiſm remains, as great and greater than otherwiſe (as I ſaid before) out of the reach, and under protection from the Law. What the Evils of a Forbearance are, we ſee, but what the Evils of an Execution of the Laws may prove, we cannot ſee; but morally and rationally ſpeaking, they will be greater than now we ſuffer.

I muſt premiſe this, That if you proceed with rigor, you do unſpeakable Hurt; if not, you cannot do the Good you pretend: There muſt be a Concurrence of all Magiſtrates, in all places, to take the ſame Courſe; and as you muſt concur, ſo you muſt be ſure that the King will ſhut up his Royal Bowels and Clemency, or ſome particular Men will but become hateful to their Countries; and His Majeſties Mercy will condemn their Severity. This was ſo well underſtood by an Honourable Member of Parliament, that he moved for ways to compel the *Diſſenters* to an intire Obedience, and ſubmit to the Church, by ſevere Penalties.

This will be the ready way to *undo all*, if any thing do it; which as to His Majeſties Perſon and Government, I do confidently hope, and rationally believe, is but a great word of Fancy, an Oratorical Scarecrow. The miſchiefs of our Separation are laid open to this purpoſe. 1. Great Hazards of unſetling all. 2. Alienation of Hearts. 3. Advantage of our common Enemies (the *Papiſts.*) I borrow the Heads of Miſchiefs, and argue, If the Miſchiefs of Separation, while there is a ceſſation of Proſecutions, be ſo great, much more when Proſecution cannot heal the Separation, but encreaſe the Cauſes. *Miſchief of Separation.* p. 13. & p. 22, 23, 52.

1. It will, beyond all recovery, *undo all Men*, that have been ſo many Years the more bold to aſſemble, becauſe of the Lenity of His Majeſty, and the Propenſity of our many Parliaments, from 1673, to accommodate the Difference; and the inferiour Magiſtrates have found no evil Deſigns among them, to give diſturbance to the Government, and many of the Judges in their Charges, have turned the point of the Sword upon our ſecret Enemies, that would openly do more againſt us all, than is yet to be

done against our Brethren; and if other Judges have turned the Edge of the Law against *Protestants*, our Magistrates have not been forward to take the Hilt and lay on; how many thousands by their Presumption upon Lenity, have been more open than they would haven been? But suppose they spare the Sheep, and take away the Shepherds, the Destruction will be great; *All*, the most of them have, will not satisfy this Debt to the Law. Is it not enough for them to be dispossessed of their Preferments, to be driven from place to place, but once more they must be undone, without regard to Age, Sickness, Infirmities, Families, Debts, Poverty? If they have many Friends, their Friends must suffer in their Sufferings, if they have none, or few, they are the more undone; their Sufferings will not terminate upon them. Who shall set them up again? bring up their Children? feed and cloath them? their Ruine will be an intolerable Oppression upon many parts of the Kingdom.

2. Will not this unsettle the Affections, wherein the strength of Government doth consist (together with Religion and Conscience) of thousands more, than can be spared, if other Dangers arise? And if Religion and Conscience oblige them to love their Persecutors and pray for them, they will never dare to trust them. A mutual Trust and Confidence is a great Strength in time of common danger; when we are distracted in Affections, we shall be distracted in Reason, and Counsel, and when we are so, then's the time for a Popish Army to unsettle all.

It is well known that the *Dissenters* are a great, and an active Part of the Kingdom, and if they suffer by *Protestants*, they will be afraid to unite with them; and therefore to persecute them is as ill a Service, as to cut off a great and potent Part of Religious and Industrious Men from our main Strength, when we most stand in need of increasing Friendship, Confidence and Strength. The unsettling of Affection, moving of Passion, which Religion cannot subdue in all, is an effectual way to unsettle all.

3. The Prosecution of *Dissenting Protestants*, tends to no other end, but to disunite Affections; it is to use Force without Reason, or Perswasion. The Reason of the Dissenting Brethren is as far from Satisfaction, as to our Conformity, as ever; and their Satisfactions in their Dissent, do daily increase: to use Force without Reasons, is not reasonable; and that Force which is used to suppress and cut off, must needs be to disunite the Hearts of Men. To suppress them, signifies plainly, they have no value for them, that they hate them, as unworthy to dwell in any place but a Goal, or to ly upon any Bed but Straw. They are first exiled from their good Thoughts and Opinions; next from their Affections; next they are judged insufferable; and they that would drive them out of all, would proceed to Banishment, and then he that is not thought worthy to live with

with us in the ſame Land, is reputed next him that is not worthy to live at all; and is this the way to win their Affections! and if they ſhould force any to abjure his native Country, they force him againſt Nature, and that is to root out Affection.

Now ſuppoſe the *Diſſenters* are not wholly yours, yet if you cared for them at all, you would nouriſh ſome Inclinations in them, and not thruſt them from you, but drive in thoſe Inclinations to Peace with you.

4. It is plainly the making of a Breach among *Proteſtants*. The more weak and paſſionate will be far more out with the Biſhops, than they were before. 1. Becauſe, they at the firſt refuſed to condeſcend, and procured that Act of Uniformity, by which they muſt needs know a vaſt Breach would follow. 2. Becauſe they can look upon the Suffering of *Proteſtants* without Compaſſion, ſo much as not to make Interceſſion for them. The Brethren, and all that ſuffer in them, will be tempted to hate the Biſhops, and ſay, this doth proceed from them, or ſome of them. And this is another way to unſettle all. Beſides, it tends to divide the Hearts of the ignorant, and raſh, cenſorious Multitude from their Fellow-Chriſtians, as if they were worſe than *Papiſts*, as Enemies to the King and Government, as Diſturbers of Order by their Preaching and Preciſeneſs. It will alienate abundance of People, that either actually ſuffer, or have any Compaſſion to them that ſuffer, from abundance of Conforming Miniſters, who help on the work of pulling down of Conventicles. And this is another means that will co-operate to our unſettlement of all.

5. This is the way to unſettle all, by undoing what hath been done towards an Accommodation or an Union, both by late Honoured, and ever to be Honoured Parliaments, from the Year 1673, to the laſt at *Weſtminſter*; and all the Endeavous of our Reverend Fathers, Proteſtant Divines, and Gentlemen, towards a deſirable Union. As a Treaty of Peace tends to a Settlement, ſo the breaking of a Treaty tends to an unſettlement; this zealous Proſecution, is like a vowing there ſhall be no Peace; for it plainly breaks off the Treaty.

6. This tends to unſettle all, as it is an open, violent ruſhing againſt the Reaſon of our late Proteſtant Parliaments. As their Reaſons and Debates, did determine in a Reſolve for Settlement; ſo theſe out of Enmity againſt them, and their Proceedings, labour to unſettle all, before they can have time to meet, to offer any thing towards a happy Settlement; to divide the King from his Parliament, to undo what many Parliaments have reſolved to do, to proſecute *Proteſtants* againſt the minds of *Proteſtants*, to diſgrace the Name, and to break and weaken the Thing, is alſo the way to unſettle all.

7. Except they deal worse by our *Protestant Nonconformists*, than they would deal with *Papists*, they can but drive them to their private Houses and Corners; and keep them to them (and another Argument from this Head doth offer it self) will be a greater Evil, than what the Church or State can ever suffer from open Meetings. And that as operating more ways than one.

1. Because our Hearts will be more divided, Mens Passions incensed, Mens Reasons sharpned, and all ways of Reconciliation stopped; the conquering Church-men will not offer Treaties, the broken and oppressed Church will not be heard, all their Arguments and Books will operate no more, than the Tears of the afflicted soften the Hearts of them that afflict them.

2. The Schism then will so far be protected, that this Law against Conventicles cannot touch them; and I do humbly conceive, that this Act against Conventicles was never intended for the Good or Growth of the Church of *England*, or the Protestant Cause. 1. Because they that moved in it, were moved by a Spirit of Popery, is notoriously known, who were Sir *Tho. Cl.* and the rest abovenamed. 2. It was as cunning a subterraneous Conveyance for *Popery*, as could be thought of, to be made by a Law. It seeming to be to serve the Church, was help'd forward by the Zealots for the Church; but what was more contrary to the Church, than a secret Schism priviledged by the Law, that forbad an open one? 3. It was most likely to be perpetuated, the closer it was kept and free from Punishment. 4. They who were then *Papists* in a Disguise, and when they thought it time, threw off the Disguise, could so manage the Business, as procure a Toleration of *Papists*, but it shall go under the name of Favour to *Protestant Dissenters*. For the Merits of the *Papists* pleaded for them, a share of the Favour, granted to *Nonconformists*, that deserved so ill. An oppressive Act, made way for an easing Toleration, which the Parliament well perceived the Year following, and then crossed the Contrivances for *Popery*, and saw that *Popery* had got by the Toleration and their own Act, and moved for a Revocation of both. 5. The *Protestant Dissenters*, without any difference of their Principles were by this Law rendred suspitious, and thereby odious, as conveying poisonous Preparations to Rebellion in their Preaching; the lurking Jesuits, and com-plotting *Papists*, might carry on their Intrigand murdering Projects, and when any Mischief broke out, the suspected *Protestant* might next way suffer for it, or be brought in question; so that if State-Policy shine out into a Favour to *Dissenters*, the Meritorious *Loyal Jesuits and Papists* shall go Partners with them. If State-Inquisitors smell a Fire or Gun powder, the suspected

I mean the Oxford *Act, and the other.*

Dissenter

Dissenter shall have the *odium* of it, and the *Papists* appear bold-fac'd, as a trusty Loyalist, and who dare speak Truth of his untainted Innocence and Greatness? 6. These dissembling Jesuits, might creep into Conventicles, into any of them, and do their Work according to their Art; exclaim against the rigor of the Laws, unmercifulness of the Bishops, defame the King, and a hundred Mischiefs, as many as they could invent; seduce, and pervert the King's Subjects, and be much pleased to hear the aspiring *Conformist* talk at his highest rate against the *Nonconformists*, and plant his Great Guns against *Geneva*, and bring up more Stories out of the Acts of the *Presbyterians*, than the Acts and Monuments of the Martyrs, burnt by the *Papists*. It must needs delight the *Papists*, to hear a zealous Ignorant, be-rogue and damn the House-Preachers, such as creep into Corners, when they durst not shew themselves, as undoubted *Protestants* in the Pulpits.

And what Advantage the *Papists* made of our Divisions first; and next of this Suppression of learned and able Men, they will make a Gain, and if the ill Effects of their evil Spirits, be not greater than any Evil, which the open Meetings can be charged with, I'll say no more but this one thing, which shall conclude this Argument, and I am sure it deserves a reading, and a great deal more, from every Loyal Protestant Christian.

It is the greatest Mischief that can come to our Government, and true Religion, to give the *Papists* the least Advantage and Opportunity of carrying on either Conspiracies, or false and damnable Doctrines, or to do greater Harm than ever they have done; and these Advantages and Opporunities they will have by driving the *Nonconformists* into private Houses.

1. The old sound, pious, and excellent Men of the *Nonconformists*, grow few and thin, Death lays them up safe from all Evils to come. This is so far from being commodious to the Church, as it is Christian, and Protestant, (mark, I do extend Protestancy beyond Conformity,) that it is a great Loss without a great Supply; for I'll speak my Conscience, in giving them due Honour, they were and are constant Students and laborious Residents, learned, skilful, successful, and deservedly had in Honour by discerning and honest Men. These were of Loyal Principles, and sought Peace, with Truth and Purity, and as little as they were regarded, they were regarded more than most young Men will be a long time. The Dissenting Party will walk in their wonted Paths, both from their Education, Prejudices, Principles and Convictions, they will hear in Private, they must have Preachers, their Preachers cannot be in many Places, they must have Supplies, their Supplies will be young Men.

And

Young Men and bred Scholars will be but comparatively too few; and what then? It will be a temptation to Men of Confidence, to go beyond their Line; ſpiritual Pride will puff them up, as Men of Gifts; yet the pretence of Wants, and conceit of Gifts will endanger many. Now, now, if ever, here's an Opportunity for the Boys of St. *Omers*, who can tell the Tales their Maſters teach them, to come into *England*; here's work for them! Can they not ly, and ſay they are the Sons of *Nonconformiſts*, tutor'd under *Nonconformiſts*? cannot they ly to damn the Souls of Hereticks, as confidently as they did to ſave the Lives of Traitors? cannot they pretend they were born and bred in New *England*. To the weaker and credulous *Independent*, that know not Men, as their able Miniſters do, they may ſay, they were brought up by ſuch *Independents*. To the *Quakers*, they may pretend Converſion, and come a great way off, or give them the Honour of bringing them out of Darkneſs; and ſo through all. And why cannot they make uſe of the Miſeries of our perſecuted Brethren in *France*! and ſpeake a little broken *Engliſh*, and ſay they are *French Proteſtants*, intended for the Miniſtry, or bred in ſome of their Univerſities, and who can diſprove them! what cannot a lying young Generation do? Preach againſt *Popery* in ſome points to bring it in. We read what work one *Whitebread* did in Meetings of ſeveral Perſwaſions; and why not more take the ſame ſeducing Trade. But when Nonconforming Miniſters are known, and appear in the open view of the Church and Kingdom, they are accountable for what they preach and do; and if any ſecret Conſpiracies, pernitious Doctrines, Atheiſm, Blaſphemy, are ſowed, or fomented, the Innocent may be known, and the Guilty the ſooner diſcovered.

And thus I have gone thorough my whole Argument, and I hope ſaid ſomething aptly to prove my Queſtion, That it is better the Execution of the Penal Laws be forborn, than urged at this time, if not altogether.

Having ſtated, and I hope offered ſome conſiderable Proof of that part of the Queſtion which I have choſen, tho furtheſt out of the Sun of Humane Favour; I ſhall draw another Diviſion of Arguments to guard and maintain it, and to turn back the Force that comes out againſt it. If there be any Reaſon in what hath been offered, then I hope, I ſhall meet with ſome Inclinations, in wiſe and good Men, to be perſwaded to take that Courſe which is proved to be the beſt: I am ſure wiſe Men will chooſe that which is beſt, and good Men will not exerciſe Severity without urgent Cauſe, and a rational Foreſight of Advantage. I humbly deſire theſe following Arguments may find due Regard.

First,

First, The Wiſeſt, Holieſt, and moſt Catholick Governours of the Church, have by long Experience found that Reaſon, Conviction, and Calmneſs, have been the winning ways upon ſcrupulous Perſons; or elſe it cannot in Charity be thought, that they would come behind others, in accompliſhing the work of Peace and Uniformity. They cannot but know what Deſtruction, without Reformation, will follow Excommunications, if they proceed to Writs, and follow the Courſe of Law to the uttermoſt. Many of our Eccleſiaſtical Courts have taken that way, and can any of them, ſhew us any one Man converted to Uniformity by it? Many have removed from one Country and Dioceſs to another, and wrought themſelves out of Trouble, or abide in them to this day: But can they ſhew any one Man they have brought over to a ſincere and hearty Conformity? Their Moleſtations go nearer the Heart to ſeparate them, than to unite them. If the Church ſhould for Nonconformity proceed to Sentence, and thence to Writs, and thence to Execution, what way can they take more effectual to diſobligle the Nation? The Gentleman and Landlord ſuffers in the ruine and loſs of his Tenant; the thouſands of poor Families that live by Manufactures, ſuffer in the Loſſes or Removes of their Maſters; and as many as actually ſuffer, of what Condition ſoever, and their Families and Poſterity that ſuffer in them, are made the poorer, but never the better Chriſtians; they are all diſobliged and broken from us. Beſides, they know the charge of their Diſſent, which is often-times no more than, pay your Fees, and go home. The Officers of Courts get; but what doth the Church get thereby? It is viſible, that thoſe parts of the Land have the moſt for number, and the moſt reſolute *Nonconformiſts*, that have been moſt ſeverely uſed. The more many Men ſuffer, the more Arguments they gather for the Goodneſs of the Cauſe for which they ſuffer. The far greater part of our Church-Governours, have abſtained from rigorous Courſes. Now the Civil Magiſtrates are rowzing up, and awake, as out of ſleep. But what's the Cauſe of this Excitation? The Conſervators of the Peace are harneſſing themſelves for the Defence of Church and State. But what fear of the King's Life: Is it not the Acclamation of all *Proteſtants* (is there in this, one *Diſſenter* among them) *Long may the King live.* Who doth hold up a Finger to ſhake the Throne or Government? or who is there that hath heard of as much as a whiſper of any Conſpiracy? If there be, God who ſeeth in ſecret, reveal it quickly, by the Guilty themſelves; and there is no likelihood of a Concealment, (if there be ſuch a thing) for none but beggarly mad Men can be in it; the ſervice then muſt be done to the Church: The Magiſtrates riſe up in Defence of it. But doth not the Magiſtrates Vigilancy reproach the

the Severity, and Sleepineſs of the Watchmen? how can any, that at other times and occaſions do not talk with any great Concern, Affection, or Reverence of the Biſhops, now be ſo zealous? If the Biſhops ſhould proceed with one mind, roundly to Excommunications, and break up Families by it; who would ſooner complain than Gentlemen that ſuffer by it? who more earneſt, or be more complemental in Interceſſions! But now, why ſhould they be ſo forward to undo great Numbers to the apparent detriment of the Common-wealth, when the Biſhops are ſo backward to give them, their Friends, or their Dependents Trouble? What Alterations will the Execution make, in Rents and Trade? and who will ſooner feel the Effects, than he who takes his Eaſe, and lives high, and cannot bear the fall of his Revenues? If the Magiſtrate appear in his Power, when the Church calls for his help, it will be duty, and ſelf-denial too, to take part of the *Odium* of what is counted a Perſecution, but to hazard the breaking of many thouſands, who can in ſome parts of the Kingdom make a Riſe, or fall of Commodities, and the loſs and trouble of abundance more by Participation to their own Diſhonour, is a greater Kindneſs to the R. R. Biſhops than was expected, or can be rewarded with their Bleſſing.

Secondly, It is more God-like, Chriſtian, and Humane, to uſe Clemency, and follow the Examples of the Indulgent, eſpecially when the hurtful Effects of Severity are great and apparent, and the Benefit doubtful. God is wiſe, juſt, and holy, but continues to uphold the World by Mercy. Chriſtianity is full of Mercy, and the Author of it is a Reconciler, and Mediator. Human Nature, ſo given to offend, would be deſtroyed, but for Love, Forbearance, and Mercy. Mercifulneſs is like the ſoft Cement, that binds all the Stones in the Fabrick of Human Society, which elſe would never hold together, but fall without it. Without it Men are like rugged Stones, and Severity doth not ſquare, but chop, and ſhould never be exerciſed, but when Society cannot be preſerved without it. If this Age will follow Examples of the moſt exact and ſtrict Governours, it will find more room for Mercy, than hath been ſhewn to them that have been excluded for want of it. But if it will ſet it ſelf for an Example, it is a queſtion whether wiſe Poſterity will follow it. The High Commiſſion Court was a kind of Inquiſition, ſo the wiſe Lord Treaſurer *Burleigh* wrote to Arch-Bp *Whitgift*, 'But according tomy ſimple Judgment, 'ſaid he, this kind of proceeding is too much ſa- 'vouring the *Romiſh* Inquiſition. And of all Men, 'the *Puritans* felt the weight of it. The *Puritans* were

Fuller's Ch. Hiſtory B. ix. *An.* 1583.

were oppoſite to the Biſhops and their Government, and Courts, and they made themſelves and the Queen, their Government and Hers all one; what was ſaid or done againſt them, was done againſt Her Majeſty. And the Oppoſition between the Puritan Diſcipline, and the Epiſcopal, was greater than hath been urged ever ſince the King's Return. If Church-Hiſtory were ſilent, we may learn ſrrom the Canons of 1603, what Language was common in thoſe times: But now the Controverſy is not between the *Presbyter* and the *Biſhop*, but between *Biſhops* acting in a narrow Room and a larger Dioceſs; yet they are not diſcontent if the King ſhall honour ſome, as he doth, with Lordſhip, nor continue their Revenues. The *Independents* (ſuppoſed to be *Browniſts*, but are not) give not the Language of Antichriſtian, to Biſhops, or our Congregations; but look upon us as parts of the Catholick Church. The Biſhops are Antichurchians (as againſt their Congregational Power) but not Antichriſtian, which was the Language of the *Browniſts*; but thoſe that were more oppoſite, or hung off, were more kindly uſed. Mr. *Fox* a *N. C.* held his Prebend of *Salisbury*; Dr. *Humphreyes* was Dean of *Wincheſter*, Preſident of *Magdalen Colledg*, and *Regius*-Profeſſor in *Oxford*; Mr. *Tho. Cartwright*, the Head of the *N. C.* was at laſt much favoured by his mighty Antagoniſt, *A. B. Whitgift*, made Maſter of the Hoſpital in *Warwick*, and preached there to his Death; Mr. *Travers*, ordained by *Presbyters* in *Antwerp*, after a ſharp Controverſy with Mr. *Hooker*, was made Provoſt of Trinity Colledg near *Dublin*, by *A. B. Loftus*, Chancellor of *Ireland*; *Rob. Brown*, that deſerved worſt, held his Rectory of *A-Church*; Mr. *Stone* continued in his Parſonage of *Warkton*; *A. B. Whitgift*, whoſe (Stiff) conſtancy was known and proved, wrote thus to the Lord Treaſurer *Burleigh*; 'My Procceedings are neither ſo vehement, nor 'ſo general againſt Miniſters and Preachers, as ſome 'pretend, doing me therein great Injury. In another to Sir *F. Walſingham*; 'I have forborn to ſuſpend or deprive any Man, 'already placed in any Cure or Charge for not ſubſcribing. Only Biſhop *Anthony Rudd*, in his Speech in Convocation, *An.* 1604, ſaid, 'That many Learned Preachers enjoyed 'their Liberty, conditionally that they did not by 'Word or Deed, openly diſgrace, or diſturb the 'State eſtabliſhed, (would that do now, we ſhould ſee a return of many

As in Mr. Udal's *Examination and Trial, is to be ſeen, Pr.* Lond. 1643. *Can.* 4, 6, 9, 11.

Dr. Owen *of Church-Peace, &c. Dr.* Goodwin *on the Ephes. §.* 35.

See Fuller's *Hiſt. B.* ix.

Ibid. p. 139.

See Addenda *to the firſt Plea.*

caſt out, if not of all.) What need I ſay of the Indulgence of Arch-Biſhop *Abbot*? Remarkable is that Diſcourſe between *A. B. Bancroft* (who was a ſharp Adverſary of the *Puritans*) with a *N. C.* An honeſt able Man proteſted to him, that it went againſt his Conſcience to conform, which way (quoth the *A. B.*) will you live, if put out of your Benefice? The Miniſter anſwered, He had no way but to go a begging, or put himſelf on the Divine Providence: Not that, ſaid the *A. B.* you ſhall not do ſo, but come to me, and I will take order for your Maintenance. Many had Lectures, or were connived at by Biſhops, or protected by Great Men, as is proved in Particulars by Mr. *Baxter*. Pertinent is that to my purpoſe which Dr. *Fuller* writes, of ſome in the Time of Q. *Elizab.* Reign. 'The Practiſes of the *Presbyterians*, now found ſo 'much Favour, as almoſt amounted to a connivance 'at their Diſcipline. For whilſt the Severity of 'the State was at this time intended to the heighth 'againſt the Jeſuites; ſome Lenity of Courſe (by the very Rules of 'Oppoſition) fell to the ſhare of the *Nonconformiſts*, on the ſcore of their 'notorious Enmity to the Jeſuitical Party. The Earl of *Leiceſter* procured great Favour for them, from the Queen, and ſnibbed the Biſhops for urging Subſcriptions. The great and wiſe States-men, were Interceſſors for ſome of them, witneſs the Letters of the Lord Treaſurer *Burleigh*, and Sir *F. Walſingham*, in that Church-Hiſtory. But now, is there no Mittigation to be looked for, when our preſent *N. C.* approach nearer to a Cloſure, and when their Oppoſition to the Jeſuites, doth provoke that Party to ſtrain all their Policies, Power and Malice againſt them. Conſider if it be not a time to ſhew Mercy to our Brethren, and not to oppreſs them as Enemies, when the whole Proteſtant Intereſt among us, is ſaved by meer Mercy! How contrary will the impoveriſhing of them be, to that Duty, *If thine Enemy hunger, feed him, if he thurſt, give him Drink.* Surely if we ought to relieve an Enemy, ſo far as to keep him alive, we ought to ſpare our Brethren, and preſerve them from a Neceſſity to beg their Bread. But here I ſeem to ſome, to beg a Queſtion; I call them Brethren, when they are not. It is true, I do; and if they who profeſs the ſame Faith, Worſhip, and live under the ſame Laws, are not Brethren, have we any in any part of the World? Is there any Houſhold of Faith, out of the Houſhold of *Conformiſts*? If not, then our extream Zeal againſt *Nonconformiſts*, will carry us to *Donatiſm*, and confine the Church, within the Lines of our Uniformity. If to avoid this, we acknowledg a Catholick Church, out of thoſe Bounds; then why ſhall not that Right be allowed to them

Full. B. 10. p. 57.

Second Part of the Defence againſt Dr. Stillingfleet, c. 4. *Hiſt. B.* ix. p. 135. Sect. 18.

them that dwell among us, as well as to them that live in Forreign Nations, and differ as much from our Form of Discipline, as they do? If therefore they are Brethren, let them receive from us some Tokens of Affection, and not be burnt with the Marking-irons of Anger, as unfit Objects of any thing less than Exclusion from all Favour: And let not the Mercy, and Mildness of former times, come into Judgment against this Generation. I do hope there are many that have Sorrow in their Hearts daily for them, and that have Hearts of Flesh to them.

Arg. 3. Both Church-men and Magistrates, should forbear this Course of Rigor, for fear of being guilty of the great Sin of Persecution, or approaching near it. All good Christians should be tender of falling into degrees of that Sin, which in the highest degree, is proper to the Enemies of Christ. There are now none in any place of Power, but such have by Oaths and Tests, avowed themselves to be sincere and honest *Protestants*; and if they will hear Reason on their Brethrens behalf, what Mercy can *Protestants* expect from *Papists*; or perjur'd Hypocrites? Abstain from punishing, and hurting the Servants of Christ, lest ye be found fighting against God, and obstructing the Prosperity of Christ's Kingdom, by quenching any Light of the Gospel, because it is not set up in a branched Candlestick, or in the Church. They would all burn in the Church, but for something that keeps them out, in the Church-porch. Now as every Christian, that hopes for Salvation alone by Christ, should be afraid of hurting Christ in his Members; so must every Man be tender in affixing the Charge of Persecution upon any: which that I may not do, I will,

1. Open the nature of Persecution.
2. The kinds of it.
3. Consider what is said to free the Prosecution of the Laws, from being a Persecution.

First, To persecute, in this place, is taken in an ill sence, for any kind of Vexation, or Trouble, brought upon others, especially such as is grievous to be born; it is *ardenter, pertinaciter, diligenter insectari ad nocendum*; or as others, To follow as a Hunter doth his Game. Grot. *in Math.* 5. 10. *Petr. Ravan.*

In respect of the Sufferer, it must be causeless, and undeserved, and by Consequence not for doing ill: in respect of the Inflicter, it must be injurious; and in respect of the Cause, it must not be a civil Cause, but Religious in Whole or in Part. It is Persecution, if it strike at any part of Religion, or for any Exercise of Religion.

Secondly, There are many kinds and degrees of Perſecution, diſtinguiſhed by the Afflicters, Affliction, and Afflicted, and the Reaſons, Cauſes, and Ends.

The menaced Sufferings of the *Nonconformiſts*, are not, 1. From an open profeſſed Enemy of the Faith, but (what is marvellous) from Men profeſſing the ſame Faith, as *Proteſtants*, the Power being in no other hand. 2. It is not for Chriſtianity, for the Name of Chriſt, or being Chriſtians. 3. It is not directly a ſuffering of Death, or Baniſhment, (tho it may come to it) as it is a proceeding upon the Act of the 17*th* and 22*d* of our King; but ſuch hath been the Zeal of ſome Juſtices in ſome parts of this Kingdom, as to threaten *Diſſenters* with Abjuration, Baniſhment, and Death.

But ordinarily, the threatned Puniſhments are of loſs of Goods, of Liberty to do good to Souls, of Impriſonment, for particular Acts and Exerciſes of the Chriſtian Religion, only becauſe performed in an undue manner, as to human particular Laws, by Preachers that have not conformed upon the impoſed Terms of exerciſing their Miniſtry, and upon ſuch as hear them, beyond ſuch a Number; and theſe Puniſhments are threatned by Chriſtian, Proteſtant Magiſtrates, againſt profeſſedly Proteſtant Preachers and Hearers.

They who ſuffer, ſay, They ſuffer for Conſcience and Religion, and therefore they are perſecuted; they who puniſh them, ſay, It is not for Religion, but for doing ill.

Let us impartially examine the Caſe, as urged by the *Nonconformiſts*, and as defended by ſome *Conformiſts*. The *Nonconformiſts* argue thus;

Preaching and Praying are neceſſary Duties.

But the *Nonconformiſts* are puniſhed for Preaching and Praying.

Therefore for neceſſary Duties; and by Conſequence, they are perſecuted.

Toleration diſapproved, Ox. 1670, 2d *Edi.*

A Reverend, (and by his many ſerious Profeſſions, which I admit) a good Man, undertakes to take off this Argument.

Indeed the Argument is laid down defectively, becauſe the words of the Laws are upon pretence of Religious Exerciſes, there are other Exerciſes of Religion, beſides Preaching and Praying.

The ſame Reverend Author doth diſtinguiſh to the *major* Propoſition, and flatly denies the *minor*. Preaching and Praying (ſaith he) are neceſſary Duties, *quoad Subſtantiam*, but *quoad Circumſtantias* they are not neceſſary, and he reckons ſome Circumſtances, in which 'tis true, they are not neceſſary; as to two or three thouſands, *&c.*

2. He

2. He utterly denies the *minor*, as false. They are punished for not observing those Circumstances (saith he) about Preaching and Praying, which Authority requireth; or, for not performing those Duties in such a manner; or more plainly, for not submitting to those Constitutions established, for the better ordering of those Duties, which Constitutions he proves to be good, from an Enumeration of all the Causes. They are good, *respectu Efficientis*, sufficient Authority. 2. *Materiæ*, the matter not unlawful, or contrary to a former Obligation. 3. *Formæ*, a sufficient Promulgation. 4. *Finis*, the publick Peace and Safety.

To consider all these things distinctly, Let me say,

1. By necessary Duties, we agree are, meant Duties necessary by the Divine Precept, or as Means to the Ends of Christian Religion.

2. Ministers and People are first obliged to Christ, as their Governour absolute, according to his Laws, and to temporal Governours subordinately, in and for the Lord. Therefore the first and principal Regard of Obedience is to Jesus Christ, with that strictness he hath bound us to.

3. No Action of Religion can be done without Circumstances.

4. Circumstances are subservient to Duties; and we are sure, that God doth not tie up to such Circumstances, as do always tie up from the Duties, tho in some Circumstances the Duty may be omitted; but they are such, as render the Duty for that time unnecessary; and if Men would learn from God, they would never enjoyn such Circumstances, as shall hinder any to perform them, from whom God requires them.

5. Those Circumstances, as you call them, are such as no private Man can take away, because required by Laws. Being such, it shall never be lawful for any *Nonconformist* to preach to more than Four beside the Household, yet they are bound absolutely to Christ, to preach (without any Restriction, if the Bishops please) for else they would be only conditionally bound to Christ, and absolutely bound to the Bishops. If the Bishops allow them, then Christ allows them; if the Bishops forbids them, then Christ forbids them: for all Power derived from Christ, is for Christ. If the *Nonconformists* neglect necessary Duties out of respect to human Circumstances; who do obey? He that requires the Duty *quoad Substantiam?* or them that shut them up, or rather out, *per Circumstantias*; which is best, to neglect the Duties required by Christ, when they cannot without Sin observe the Circumstances; or neglect those Circumstances, and do the Duties in such other Circumstances as they can have? This were to make the Observation of Human Circumstances more necessary than Divine Ordinances.

6. It

6. It is in ſome Circumſtances as neceſſary for a *Nonconformiſt* to preach without our Circumſtances, as it is for us to preach with them.

7. The Caſe hath been, and may, as it was to *Peter Martyr* before he left *Italy*, to preach, and adminiſter Sacraments, in a Conventicle of many hundreds, or ſome thouſands, and neceſſary to venture Life and all for it. What R. Mr. B. writes, is to the point of Circumſtances, If the Magiſtrate forbids us to preach the Goſpel; either our Preaching is neceſſary or unneceſſary, and this either notorious or doubtful. If our Preaching be notoriouſly unneceſſary, we will obey him, and forbear. If it be a doubtful Caſe, we will uſe all means God hath appointed us, to know the Truth; and if yet it be doubtful, and our Minds in ſuſpence, we will ſtand to the Judgment of the Magiſtrate, and forbear. But if our Miniſtry be notoriouſly and undoubtedly neceſſary to the juſt Ends, which is the Edification of Mens Souls, we will obey God in Preaching, as we are able, and humbly and patiently bear what is laid upon us by our Rulers; nor do we take our ſelves bound by Chriſt to one Place, or one Time, or manner of Teaching, or to ſpeak always to a great Aſſembly; but all theſe are Circumſtances, which we muſt fit to the end and ſucceſs of our Work.

Apology for preaching, to the Biſhops, p. 15, 16. §. 12. N. C.

To conclude this Head, Altho the *Nonconformiſts* cannot preach in thoſe Circumſtances (as you call them) enjoyned by Law, for fear of ſinning, as they do confidently and ſeriouſly declare, and for no other Reaſon; they muſt preach and pray, and perform other Religious Exerciſes upon ſuch Circumſtances as they can have, and that (if it cannot otherwiſe be) upon hazard: for it is a greater Sin, and deſerves a ſorer Puniſhment, to neglect a neceſſary Duty enjoyend by Chriſt, than to neglect the Obſervation of ſuch Circumſtances, as are enjoyned by (a lawful) Authority; except Jeſus Chriſt hath given ſuch Power to Magiſtrates and Church-Governours, as to command Circumſtances, which all his Servants without diſpute, or heſitancy, muſt obey; and that Chriſt doth rather approve of the neglect of neceſſary Duties, than for reſpect to them, tranſgreſs human Circumſtances, by which, neceſſary Duties may be ſuſpended, or rendred unneceſſary. If both cannot be done, the one without the other, which muſt give place? the Circumſtances to the neceſſary Duties? or the Duties to the Circumſtances? Eſpecially when we conſider that Chriſtian Preachers, and People, are firſt and abſolutely obliged to Jeſus Chriſt, and but ſubordinately and conditionally to Men in Authority. Notwithſtanding the *Nonconformiſts* non-compliance with (what ſome call) Circumſtances in Preaching and Praying, which are neceſſary Duties, they do well, for they obey the greater.

Now

Now I pass to the *Minor*: But *Nonconformists* suffer for Preaching and Praying.

This is utterly denied, and indeed if this be not denied, the Conclusion would necessarily follow: Therefore they are punished for necessary Duties, and by Consequence for Religion, or doing well.

Now that which is incumbent upon me, is to shew, that indeed they suffer for Religious Exercises; and to prove that, I must consider what is said to the contrary, which I shall do, in the first place:

They are punished, saith he, for not observing Circumstances required, or for not performing them in the manner required, or for not submitting to those Constitutions established, for better Order, *&c.*

I answer, It is true, they suffer for not submitting to these, but not for that Cause alone, but for Religious Exercises, *ut infrâ.*

You say, the Constitutions are good, by an Enumeration of Causes. To which I answer; 1. The *Nonconformists* do not deny, but own the Efficient, the Legislative-Power. 2. They refuse and question the matter of many of the Constitutions, and if they scrupled but one, they cannot subscribe to all; and that because unlawful to them. 3. Many suffer for not subscribing, and declaring their Assent to the Common-Prayer, which came not to them before the time was expired for so doing. Here is a defect of a Cause, the formal Cause, the Promulgation of the Constitutions. We that lived nearer *London*, had but a little time to peruse the Liturgy; but many had not time at all, in many places, and they not in the remotest Parts. A Divine of Years and Learning, in the Diocess of *Lincoln*, gave this for one Reason, in his Farewel Sermon, that he was to be silenced by Law, for not subscribing and assenting to a Book which he had not seen. It is likely he had other Reasons; but they that suffer for not submitting to what they saw not, do not suffer for doing ill, but well. Lastly, The Constitutions are for publick Peace and Safety; but except the matter be of that Tendency, many Constitutions may be good in respect of the Efficient, Formal, and Final; but may be ill in respect of the Matter. And the Coutroversy of the *Nonconformists* is about the matter of the Constitutions chiefly. And if their Preaching and Praying give no Disturbance, but to some Minds, easily stirred, and tend to Godliness and Honesty, then they are so far good, and agree with the design of the Constitutions. They suffer, as appears, for an Omission, not obeying the Constitu-

And it was the case of many more in that Diocess. And Mr. B. of W. *in the County of* L. *was ejected by Sir* Edward Lake, *altho he gave that Reason, that the Book was not brought him before the* 24th *of* Aug. *nor before he was declared deprived by the Commissary.*

Conſtitutions, and them chiefly, in one Cauſe, and but perhaps in ſome one part of them: See then what the principal Cauſe of their many Sufferings is; they are ſuch things as are, as we ſay, things indifferent, but neceſſary in Practice by human Laws; which compared with the neceſſary Duties of Religion, which are enjoined by Chriſt, and the Laws of the Land, are but ſmall and unneceſſary; yet not obeying theſe Conſtitutions which bind not immediately by a Divine Precept, ſhall render able Miniſters unſerviceable; yea it ſhall be a ſinful Act in them, to do neceſſary Duties, acknowledged by all Chriſtians to be ſuch, for not obſerving them. Having laid theſe things open, I proceed to prove that the *Nonconformiſts* ſuffer for Religious, Chriſtian Exerciſes.

1. The Law-makers, in their Laws, never noted them for other, than for Religious Exerciſes, and for good Duties; therefore we muſt take them for good, not only by the Law of Chriſt, but by our Temporal Laws. All the Miniſters of *England* and *Wales*, that were ejected for not ſubſcribing, *&c.* were ſuppoſed good, if they had ſubſcribed; and when they were ejected, they were not degraded from their Miniſtry, nor was their After-preaching, prejudged to be as no Preaching and Praying. The ſame Act might have declared their Religious Exerciſes to be null, and them no Miniſterss; they were removed from their Stations, and deprived of Tithes and Profits, but their After-performances loſt not their internal Nature, altho they ſhould be performed without Common-Prayer, Rites and Ceremonies.

2. The Subſequent Acts do not abſolutely forbid their Religious Exerciſes, as Evil, or Evil-doing, but as deficient in the external Form, and as abuſed by ill Men and Hypocrites, to move to Rebellion and Inſurrection, endanger Church and State, and to ſuch a Number of People, and if they were ſuch, they would be materially Evil, and then ceaſe to be Religious Exerciſes.

3. So then their Fault lies in Deficiency of things concomitant, which doth not ſo affect them, as to change them from Good to Evil; they may be acceptable with God, and profitable to Men for all that, ſo far as they celebrate Religious Exerciſes, to pious Ends, they materially and finally do the things that are pleaſing to God, and do well, even Men being Judges.

4. They do not ſuffer Fines and Impriſonments for not ſubſcribing declaring according to the Act of Uniformity alone, they ſuffered for that before: They do not ſuffer for moving Seditions, or Inſurrections, whereof none hath been ſo much as charged, much leſs found guilty. They do therefore ſuffer for performing Religious Exerciſes.

1. So

1. So the Witneſſes or Informers teſtify, and not for moving Inſurrections.

2. So the Warrants ſhould run againſt them; therefore for doing well, and for Religious Exerciſes.

3. If not for Religious Exerciſes, how come the Preachers to be fined 20 *l.* or others for them, not for beating Drums, or for bearing Arms, I ſuppoſe?

Obj. But the Law prohibits all Religious Duties and to above Four and the Houſhold, which are not legitimated by the Common-Prayer.

Anſw. It is true, but then let us obſerve, That the meer abſence of the Common-Prayer, and Ceremonies, doth not change them; they are Chriſtian, Religious Duties, notwithſtanding that defect; for it could not be ſuppoſed that near 2000 Miniſters, dedicated to God, would caſt off Religious Exerciſes, when caſt out of their Places, or that they would uſe thoſe things, to which they refuſed to ſubſcribe; and tho they could not imagine that, they denied not Preaching and Praying without a Form, and Ceremonies, to be Religious Duties.

2. Some of the Duties which they perform, are after the manner of the Church of *England*; ſuch is their reading of the Scriptures, ſinging of Pſalms, and Preaching, we being at liberty as to Text, Words, Method; and their praying before, and after Sermon; we are not tied to the very Words and Syllables in Canon LV, but to thoſe Words, or to that Effect, To move our Congregations to pray. Now if they read, ſing, pray, preach, as we do, they ſuffer for thoſe Religious Exerciſes; therefore for Religion, and Well-doing; but ſuppoſing them imperfect for want of the Common-Prayer, yet ſo far as they are religious, they are good.

Obj. But they are looked upon as ſuſpitious Perſons, becauſe they ſubſcribed not, *&c.* to the Act of Uniformity in the *Oxford* Act.

Anſw. True, but two things are conſiderble.

1. Many took off that Suſpition, by ſubſcribing that Declaration; yet that will not excuſe them, if they preach to above Four.

2. Their not ſubſcribing, and declaring according to the Act of Uniformity, makes the cauſe of their Suffering doubtful. The Law calls them to conform upon ſuch Conditions, of ſubſcribing and declaring. Their Conſciences, after the moſt diligent ſearch into all things required, command them, upon peril of ſinning againſt God, to forbear. They may be deceived, and why may not fallible Impoſers be deceived (ſay they) if they ſuffer for not ſinning againſt God, and Conſcience? If they ſuffer for performing Religious Exerciſes, according to the general Rules of the Goſpel, and their own Conſciences, as well informed as they can inform themſelves, they ſuffer for Religion, altho they that exact and execute vide E.

Punishments, think they suffer for Omissions, and Obstinaces in those Omissions. They suffer for Omission of humane Constitutions, which they hold not Divine, and perform Duties, which they hold to be Divine. The case is as clear to them to be unlawful, as it is clear to them that command them, to be lawful, therefore the Case hangs in doubt. If they that refuse to conform, refuse upon peril of temporal Losses, they who inflict them, do inflict them upon peril of sinning also. He that suffers, for doing what is confessedly Religious, and forbears what is dubious, or sinful in appearance, is on the safer side, than he that punisheth for undoubted, religious, necessary Duties, only for the Omission of unnecessary things.

Obj. But holding their Meetings to above Four, and in publick, is seditious in the eye of the Law, and they suffer for that, and not for their Religion.

Answ. Indeed that seems to be the only criminal Circumstance. But why shall this alter the Case? which is far better, and more satisfactory to Magistrates and the Church, than their retiring into allowed private Houses, and the stinted Number. But this doth not make Religious Exercises, to be no Religious Exercises, except it infuse poisonous Principles into a Multitude, which is not known, and cannot be proved; it is Religion and not a Riot, that is really punished. Now granting this to be a forbidden Circumstance; compare it with the many Circumstances, that make it the more allowable, and then, shall Religious Exercises, necessary to be observed, profitable to many, be therefore unpardonable, because of one Circumstance? This I humbly refer to Consideration, before the Magistrate strike with the heavy hand of the Law. Make the most that can be of the Fact: Here's Religious Service, performed without Ceremony, and Form, (there's the defect) here's a Religious Exercise, to a supernumerary Company, that's the excess. But to this let us compare the nature of the Exercises, unquestionably Divine. The Institutor is Christ our Lord; the Ordinances are necessary, the manner of Performance, according to the general Rules of Christ, highly beneficial, and tending to publick Good, and eternal Life; yet for the want of a Circumstance or two, (made necessary by a mutable Law) the Observers of them shall be punished as Evil-doers.

Are not Humane Constitutions subject to the Providences of God, the Supream Governour, whose Dominion is especially, to be owned in all Christian Kingdoms? Suppose then, by the over ruling Providences of God, there are Alterations made in the Affairs of the Kingdom, which make that which is a Divine Ordinance, become a necessary Duty to Men prohibited by temporal Laws, whether Governours of Christian States should not observe them, and make their Laws stoop to the Divine Will?

Th

The Defenders of the Church argue, It is more reasonable the *Dissenters* should yield to the Bishops, than the Bishops to them; so say I, It is more reasonable and decent, that Humane Laws should yield to the Divine Pleasure, than the Work of God be stopt by Humane Laws.

The true State of this, as far as I can perceive, lies before us thus: First, The preaching of the Gospel, is an indispensible good Duty. Secondly, They who are fitted, called, and devoted to God, are bound to preach it. Thirdly, Some that are happily fitted for it, become suspicious to some in Power. Fourthly, By long Experience and Process of time, they cannot be charged with such Crimes, as are of ill Operation to the State. Fifthly, These Men are ready to give such security to the State, as the Generality of unquestionable Subjects give, and to take away all just cause of Jealousy and Mistrust. Sixthly, They are qualified by Christ, and must give an account to him; they are called and invited to discharge their Duties as Preachers. 1. Their Conscience puts them in mind of their Vows, as Persons devoted to Christ to serve him upon his Conditions. 2. The cry of Souls calls them, that either want, or want such as can and will do them good; this is the plain case in multitudes of Places. 3. God unexpectedly opens a door for them by Fire and Plague, and other providences. 4. Calm Proceedings of Magistrates, and the Inclination of Law-givers give them Encouragement. 5. Their Zeal for God answers this Call. 6. God gives them his Blessing, followeth them with success, which is a sign of his Approbation, which he never gave to Evil-doing. And shall this be punished by Christians as Evil-doing! This is to act contrary to God; to punish them, whom God approves! —— There is a Humane Law, stands in their way, revoked *in Voto*, by them that made it; shall the observance of that Law, suspend the Administration of Ordinances in themselves good, well performed in the general manner, where there is great need; and to good Ends without dangerous Effects, or Consequences to them, that once did forbid them?

Preaching and Praying are good Duties; but the *Nonconformists* Preaching and Praying, tho good in Substance, is not good because of ill Circumstances, say some. Now then the Opposition here, is not between their Preaching and Praying, and ours, but between their Circumstances and ours; we according to Legal Constitutions, they not according to them. But, as hath been argued, there is but one Circumstance that is faulty, (the want of Common-Prayer and Ceremonies, makes not their Preaching faulty; for the Law that enjoyned them, did not brand their Preaching and Praying without them, as Evil-doing) the Evil attending their Preaching, are the ill Designs and Ends which they never drove at; it is good if free from them; it is ill it seems, because to too many Hearers.

Here's one Circumſtance, or want of one Condition! To this one oppoſe all the Circumſtances (if you call them ſo) and they are more, and greater for them, than this one againſt them.

There is no ſuch Preaching and Praying, and performing good Duties, as is abſolutely perfect, and free from all Faults; and often-times in neceſſary Ingredients, and Conditions, the beſt Man faileth. This ſuppoſed, the Queſtion ariſing is, Whether they who obſerving the Call of God, Anſwer of their Conſcience, need and benefit of Souls, are bleſſed of God in their Work (tho but in ſome meaſure) do not do better, to preach and pray at all hazards, if otherwiſe it cannot be, than if they did forbear? (becauſe in one point they offend againſt a revokable Law) and for that, how many Circumſtances do over-match that one? Firſt, For their Perſons, they are elſe in all points ſubject to the Laws. Secondly, For their Doctrine, ready to give an account. Thirdly, For the manner of doing, it is in a peaceable way, without any kind of Riot; they meet and part as peaceably, as any of our Church-Aſſemblies do.

There is, I ſay again, no ſuch performance of Duties, as is abſolute faultleſs, and perfect in all Circumſtances. The Duties they perform are religious, defective only in outward Form; and is it not comparatively better to perform them, than forbear them? And can he, that puniſheth them for ſuch Religious Exerciſes (neither materially poiſonous, nor effectually poiſoning Subjects) ever be excuſed from puniſhing Well-doing, and for Religion, if theſe Conſiderations have any Reaſon in them?

Obj. It is not Religion, but their Nonconformity to the Laws, that's puniſhed.

Anſw. Their Nonconformity was puniſhed once before, by their loſs of their Livings, and temporal undoing; how often muſt the ſame Men be puniſhed for the ſame Fault, as you, and not they, account it?

Obj. They are Men of ill Deſigns, *&c.*

Anſw. Why do not you proſecute them, as ſuch, if they are ſuch, and leave out their Preaching and Praying out of your Informations and Warrants?

Obj. If the Execution of Laws, ſhall be termed Perſecution; then wo to Magiſtrates, will any Man dare to call it Perſecution? This [illegible] caſe, *&c.*

Anſw. All due Reverence to the Laws, and to the Magiſtrates premiſed; the Adminiſtrators of Laws, may be guilty of undue Proſecutions, and perſecuting Men with good Laws. Mercileſs and uncharitable urging of good Laws beyond their intention and ſcope, and with Revenge and Rigor

Rigor upon the Peccant, is Perſecution in the common Acceptation of Men.

To conclude this Diſquiſition, It is undeniable that nothing but Preaching and Praying, and other Religious Exerciſes, are the Cauſe of Trouble and Sufferings to very many, who had not been at all moleſted, but for thoſe Duties. If there be a houſe full of Friends, or Strangers, that come and go in a peaceable manner; yea altho many or all of the Men are armed with ordinary Weapons, if there be nothing but eating and drinking, and common Diſcourſes, they are not moleſted; yea, if a great deal of their Diſcourſe be religious, there is no Information, nor iſſuing out of Warrants; but if there be a Preacher among them, and any Solemnity in the Duties of Religion, this becomes offenſive, and liable to the Laws. It is the Exerciſe of Religion that gives the Offence, and makes the Company guilty; and how Puniſhments fall upon ſuch, when met without Weapons, or quarrelling, or diſturbance of the Peace, to make it a Riot, but for Religion, is not to be thought. There is no Queſtion to be made, but many Juſtices have been guilty of groſs Perſecution, abuſing the Laws to the ſervice of their Anger and Revenge, and have gone beyond the Law, when they have wanted ſufficient Evidence, either of Preaching, Praying, or Expounding, or of any Preacher being in Company; but have told the Informers, if they heard but a Tone like Preaching, it was ſufficient. It can be proved of one Juſtice, that without any other Proof, ſent out his Warrant to levy upon the Goods of them that were preſent; and I have ſeen a Copy of another Warrant, for levying of 20 *l.* when it was not proved, that there was a Preacher in the Houſe. If theſe are true, then ſuch Executioners of Juſtice, do execute for Religion, and for no other Offence. Such alſo as threaten they will not leave a Meeting-houſe ſtanding, who know both the Preachers and their Auditors, to be peaceable Perſons, and cannot pretend any cauſe of Fear From their Aſſemblies, do threaten, as diſpleaſed with their Religious Exerciſes, and for no other Cauſe; for, if they can ſuffer many lazy irreligious Perſons to abſent from Church, and not puniſh them, tho they have no lawful cauſe of their Abſence, and threaten to puniſh them that are religious, but in another way, it is not Conſcience and Zeal of Duty to the publick Worſhip, that moves them; for then they would puniſh the lazy, [illegible], or prophane, and ſay, They will not ſuffer any Perſon to be abſent from the Common-Prayer, but be zealous againſt ſome, as againſt others.

But this is not the Temper of all, therefore I will not bring in a charge of Perſecution againſt all, but I will endeavour to ſhew what is required of a Man, that cannot be ſaid to perſecute, and leave it to the Examination and ſentence of every Mans Conſcience.

1. He

1. He muſt be a knowing Man, not in Chriſtian Religion in general only, but in theſe controverted points about Religion; he muſt not be ſo ſenceleſs, as to call Religion, Sedition, nor to make a different Form to be a different Religion, or that Religion is ſubverted by a Difference from ſome humane Conſtitutions. He muſt be a knowing Man, leſt he ruſh ignorantly upon the Servants of Chriſt. *Paul* was a Perſecuter, when he was ignorant; Ignorance did excuſe him from the Malice, but not from the Perſecution. He muſt not only [think] he doth God good Service, for ſo did others, who for all their thought did perſecute the Diſciples, but be [ſure] he doth God good Service.

2. He muſt be a ſincere Lover of Jeſus Chriſt, of his Holy Ordinances, of all that believe on him, and that worſhip him; for if he hate Chriſt, hate his Goſpel, Preaching, Praying, and Religious Duties, or hate the Diſciples of Chriſt, he muſt needs be a Perſecutor, and of the groſſer ſort.

3. He muſt be ſincere in what he doth, for the thing which he doth, he muſt be ſatisfied that he doth well, and he muſt intend the Glory of God, and the honour and preſervation of Religion in it. If he pretend in his Warrants, Sedition, or evil Deſigns, when there is none, he acts falſly, and pretends that to be the cauſe of his Commands, which he verily knows is not the cauſe, as not being as much as alledged or proved. If he thus proceeds, he ſtrikes at Religion, under pretence of Sedition and Rebellion.

4. He muſt conſider the Circumſtances of the Perſons, both Preachers and Hearers, the time of their Meeting, the need they have in their Places, and other Circumſtances. But if, without Examination, or making any difference for his Information, he follows the ſtory of the Informer, then proceeds to the Puniſhments, and that perhaps for doing the beſt Duties, and ſome of the beſt Works they can do, then he puniſheth Men for well-doing.

5. He muſt be a merciful Man, not ſtretching the Law, as far as he can in ſeverity, to oppreſs or break the Perſons; for certainly it is not the end of the Law to ruine the Subject, but to preſerve him, as much as may be. They that proceed to the rigor of the Law, have a ſpight at the Perſons; and let their love to Religion be, as they think, ſound; yet they perſecute the Perſon. How ſuch can excuſe themſelves, is unknown to me, that if the Preacher be gone, or be ſo poor, (as it hath often been found) then to multiply Sums, 20 *l.* for the Houſe, 20 *l.* for every poor Preacher, 5 *s.* for hearing, upon the Maſter of the Houſe, for hearing, beſides the 20 *l.* for his Houſe, 5 *s.* for the Wife, 5 *s.* for every Child, and ſo on: or elſe to lay as heavy a Sum upon a poorer Man, as upon the richer, is unequal and unmerciful; and if Juſtices are not merciful, they have the Counte-

Countenance of the Law, for Unmercifulneſs, and Revenge upon whom they pleaſe. Certainly that Man is unmerciful, who would ſeize upon a Bed of a poor, aged Widow for a Debt, or Rent; but whether it be merciful to do ſo, as it is ſaid, it hath been ſomewhere ſo done, for being at a Conventicle, let Chriſtians judg.

6. He muſt beware, leſt by his Juſtice, he doth put a ſtop to the Goſpel, and hinder the growth and exerciſe of true Piety; for if he hinder the Goſpel, he doth not the part of a Friend and Servant of Chriſt. If by the ſuppreſſion of Conventicles, the ſerious profeſſion and exerciſe of Religion be diſcouraged, he doth evil, by his doing good, if he doth good by executing his Office; yet if the Execution of his Office, be to the hurt and decay of Religion, he doth ill by doing well, and doth, as a Friend, the real, if not the intentional part of an Enemy.

7. He muſt really be perſwaded in his Conſcience, that all ways of Worſhip, not contrary to, but different in Form and Ceremony from the Church of *England*, is meritorious of perſonal Ruine, and the Ruine of Children in their Parents (for it will quickly riſe to that) that it is Evil-doing, that it deſerves greater puniſhments, than common Swearing, or riding Journeys on the Lord's Day; that he muſt be ſure, that he intends no hurt or diſadvantage to ſerious Piety, that he loves the Perſons of the *Diſſenters*, as he doth other Men, wiſheth no ill to any of them, and that judging their Practiſes to be Evil-doing; that he puniſheth them meerly, and only for Evil-doing, without reſpect to Anger, private Diſpleaſure, or ſecret Gain, either by Bribes, or Rewards, either of Favour, Honour, or Eſtimation, or ſaving of himſelf. He that puniſheth rightly, muſt ſincerely bend himſelf againſt Evil-doing, as Evil-doing, for the good of the Perſon; or if not, for the Benefit of that Perſon that ſuffereth for the good of others. If you can chaſtiſe the Religious for Religious Exerciſes, and ſave Religion harmleſs, you have divided the fineſt Hair that ever was ſeen. Nonconformity implies Conſcience (or elſe it is flat irrational Madneſs, to ſuffer for a whimſy or humor) and to puniſh them for Religious Duties, and not for Religion and Conſcience, is too Metaphyſical a Notion, to be brought to Practiſe.

I have now opened the Caſe, let others judge whether it be not Perſecution: It hurts the Sufferer, it moleſts and vexeth him, his Vexation is for Religious Exerciſes, materially good, finally good, effectually good to many, without harm to any, faulty in an outward Form, or Circumſtance, which may be born with, without danger to the Kingdoms Peace, or to true Religion. If this ſhould prove to be a Perſecution in any Magiſtrate, or other, then it follows,

Fourthly,

Fourthly, Be perſwaded from this Courſe of proceeding, and wait for healing Applications and Remedies; for it is one of the moſt unkind, unnatural Proſecutions, that have been ever carried on. The Perſons are our peaceable and loyal Fellow-Subjects, uſeful in the Common-wealth, make up our ſtrength againſt our common Enemies; they are related to us in the Fleſh, baptized with the ſame Baptiſm, believe in the ſame God, and Father, Son, and Holy Ghoſt, with one Faith, and that have offered to unite with us, in the ſame Form of Government, and of Prayer, as far as they could, without danger of ſinning; we are not under the Temptation of complying with an Heterodox Prince, againſt the Orthodox Chriſtians; our King profeſſeth the ſame Faith. It was an unhappineſs to the Church, when an *Arian* Emperour, or Empreſs, drew the Flatterers, and timerous Biſhops, to perſecute the Orthodox. This is not our caſe, the Controverſy now, is not between the Heretick and the Orthodox, we do not in them proſecute the *Arrian*, *Neſtorian*, *Eutichian*, or *Donatiſt*. Nor doth the *Papiſt* perſecute the *Proteſtant*, but the *Proteſtant* diſobeys the *Proteſtant*, and the *Proteſtant* doth afflict, if not perſecute, the *Proteſtant*, which is a doleful Conſideration! Oh! how bitter is it! if there can be no difference found in Religion, there ſhall be a difference made by ſome Acts of Policy; if none in Articles of Faith, there ſhall be in Conditions of Communion and Ceremony. Here the profeſſed ſincere *Proteſtant* takes up a Complaint againſt them, who are as ſincere as he. The Orthodox did communicate with the Heterodox, yea with the Heretick; the Heretick broke off firſt, and begun the Perſecution, and followed it: But the Orthodox, when he had Favour and Power for him, did not revenge. Let Hereſy, which is from the Fleſh and the Devil, be propagated, and enforced by carnal and diabolical Weapons; but let Truth which is from God, be carried on with Love. Truth goes forth with Evidence and Conviction like the Sun; but Hereſy comes into the World ſometimes with Silence, but is carried about in a Storm, attended with Lightnings. Who but an *Iſmael* will perſecute an *Iſaac*? If the *Papiſts* will perſecute, who are by another Mother, a ſecond *Hagar*, which gendreth to Bondage, and ſcares us with Thundrings and Excommunications, as from Mount *Sinai*, or *Ebal*; let Peace be in the Walls of *Jeruſalem*. If *Papiſts* perſecute *Proteſtants*, O let not *Proteſtants* perſecute *Proteſtants*! To open this that I may move both Reaſon and Compaſſion, I will conſider, *Who puniſheth, who are puniſhed, and for what, and ſee where we can find the like*; and whether *Hereticks* and *Papiſts*, and the immoderate *Lutherans* are not juſtified by us, in the Cruelties which they have exerciſed.

1. The Magiſtrate is profeſſedly a ſincere *Proteſtant*, or elſe he muſt be an abominable perfidious Hypocrite, becauſe of his Oaths, and Renuciation of the Pope and Popery.

2. They

2. They who are punished, are as Orthodox holy Christians as any in the World, out of our own Church. They are profitable and peaceable Subjects, notwithstanding many discouragements and provocations from fellow-subjects, and hidden Traitors.

More particularly, many of them have deserved well from the Church and State; which in humane Probability had never been restored, but for their Loyalty, Religion, and Conscience. This made the most Renowned Sir *Matthew Hale*, say (whose sence may be as soon taken as most Men's alive, for his Wisdom, Loyalty, Integrity, and Impartiality in all Acts of Judgment) 'Many of 'the *Nonconformists* had merited highly in the business 'of the King's Restauration, and at least deserved, 'that the Terms of Conformity should not be made 'stricter than they were before the War. Yea, to advance as high as I can, in an unquestionable Authority: His Majesty in his Gracious Declaration about Ecclesiastical Affairs, said, (*pag.* 5.) 'That 'while he was in *Holland* he was attended by many Grave and Learned 'Ministers from hence, who were looked upon as the most able and prin-'cipal Assertors of the *Presbyterian* Opinions—— and to Our great Satis-'faction and Comfort, found them Persons full of Affection to Us, of 'Zeal for the Peace of the Church and State, and neither Enemies to Epis-'copacy or Liturgy, but modestly to desire such Alterations in either, as 'without shaking Foundations, might best allay present Distempers.

Dr. Burnet's *Life of Sir* M. Hale, *p.* 65, 66. *large Octavo.*

And in his Gracious Speech to the Lords, (*July* 27. 1660) to hasten the passing the Act of *Oblivion*: 'My Lords, if you do not joyn with Me 'in extinguishing this Fear, which keeps the hearts of Men apprehensive 'of Safety and Security, You keep Me from performing My Promise, which 'if I had not made, I am perswaded neither You nor I had been now 'here. I pray let Us not deceive those who Brought, or Permitted Us to 'come together.

The greatest Charge against them, is, That they are *Separatists* and *Schismaticks*. Besides, that this remains in debate between the Accusers and Accused. Suppose them to be so, Yet 1. The very *Independents*, I mean the chief of them, besides what they have declared in the above quoted Declaration of their Faith at the *Savoy*, to be neither *Brownists* nor *Donatists*. Besides many Passages in Dr. *Owen*'s Books, Mr. *Nye* hath declared himself, as to our National and Parochial Ministry, and hearing us preach; and Dr. *Good.* lays down the Opinions of *Brown* and *Donatist*, and saith, *And against these, I for my part, and many of my Brethren, profess that they are in an* Error, &c.

Case of great and present use, Lond. 1677. 35th *Serm. on the* Ephesians, *p.* 477 *fol.*

The Turbulency of *Brown*'s own Spirit ran him into many Oppoſitions and Troubles; but he, the greateſt *Schiſmatick* of thoſe days, enjoyed his good Parſonage while he lived. The firſt Emperor that made Laws againſt the *Donatiſts*, was *Theodoſius*, but they were not puniſhed for their Schiſm (the greateſt in the World) as ſuch; but the occaſion of the Penal Laws againſt them, was their barbarous abuſe and beating of Biſhop *Maximinian*, almoſt to Death, tearing of his Altar, *&c.* and other inſufferable Violences and Furies. The Riots and Murders committed by them, and the *Circumcellions* (the ſame Faction) was the cauſe of Severity againſt them. But how far are our *Nonconformiſts* from breaking Peace, offering Violence, or any rude Incivilities, by Word or Deed, is apparent to all that are not given to wrong them, or to take pardonable things too ill from them.

Auguſtin Bonifacio *Ep l.* 2. *Epiſt.* 50.

Laſtly, The Cauſes of their Sufferings have been ſpoken of before, to be neither Hereſy, Sedition, nor Rebellion. The very Light of Nature ſeems to abhor puniſhing the Religious and Juſt; therefore the Heathen Perſecutors have falſly imputed horrid Crimes, to holy Chriſtians, from which they are clearly vindicated in the Apologies of the Fathers. The *Arrians* were Calumniators of the Orthodox, and ſo are the *Papiſts*, and unpeaceable *Lutherans*; But we that live together, ſhould know one another better, and be both juſt and modeſt. The *Papiſts* damn us as Hereticks, therefore curſe and perſecute; the immoderate *Lutherans* charge the *Calviniſts* with the denial of Gods Omnipotency, Communication of Properties, and many other Hereſies, and Blaſphemies: But what Hereſy can we charge upon the *Nonconformiſts?* Had Antiquity left us ſuch Confeſſions, and Explications of Faith, ſuch Treatiſes in Divinity, Expoſitions of Scripture, Defences of Religion, we ſhould have honoured them as much as now many diſpiſe them; they are full and firm in their learned and rational Oppoſition to *Popery*, in all the parts of it. And let us obſerve how we reckon ſome, in former Ages, as ours, who came ſhort of them, and yet we muſt eject them, and multiply Sufferings upon them, *as none of ours*; we reckon *John Wicliff*, *Jerom* of *Prague*, *Huſſe*, and thoſe plain and heroick Confeſſors, the *Waldenſes*, and *Albigenſes*, *Bohemians*, &c. ours; they are in our Martyrologies, and among our Witneſſes for the Truth, in the dark times, when nothing was almoſt viſible but *Popery*. Shall we account them Martyrs, when the *Papiſts* had more colour for their Perſecutions, and bloody Uſages of them, conſidering the Principles of the *Papiſts*, and the Oppoſition of thoſe Martyrs; than we have for loading our Brethren with Puniſhment upon Puniſhment, conſidering the Principles of our Religion, and the Quality of the *Nonconformiſts*, both as to Religion, yea and

and as to the Separation it ſelf. For ſurely the Separation of thoſe Worthies from *Rome*, as *Babylon*, and the ſeat of Antichriſt, and a mortally infected Church, was a greater provocation of the *Roman* Powers againſt them, than a peaceable diſſent from a Church, acknowledged truly Chriſtian, only for ſome ſcrupled unneceſſary things; indifferent we ſay, therefore may be ſpared; ſinful ſay they, therefore cannot be aſſented to; and ſome private Doctrines beſides, *&c.* That which comes neareſt our unhappy Caſe, is the *Interim*, that Book that was urged by *Charles* the V, upon the reformed Churches in *Germany*, requiring the Obſervation of Popiſh Ceremonies, as indifferent things, for a time, until a General Council ſhould be called: What Diviſions did it cauſe among the Princes and their Divines? among the Divines differing one from another? What woful Diſperſions and Miſeries attended the refuſal of it, are at large related by *Sleidan*, in his *Commentaries*. This Book contained Popiſh Doctrines, which the *Proteſtants* rejected; but the things that divided them, were the *Adiaphora*, or *media*, Ceremonies, and indifferent things, which many refuſed, and ſuffered to very great Extremities. But he who terrified them and perſecuted them, was a great Emperor, and a *Papiſt*; and the Arguments uſed againſt it, were, becauſe it was not conſonant to Scriptures, and went againſt their Conſcience, and Light received. After this, the Adverſary, the Devil, ſtirred up another Controverſy, attended with a dreadful Diviſion, and Perſecution, to the deſolation of Churches and Schools. *John Brentius* invented the notion of Ubiquity of Chriſt's Body, and propagated it, by (the Apoſtle of Ubiquity) *Jacobus Andreas*, but they gave it a pompous Title, of the Majeſtick Communication of the Divinity, and Divine Properties; being fond of the Notion, and impatient of Contradiction. *Andreas*, aſſiſted by ſome that were near *Auguſtus* Elector of *Saxony*, irritate *Anne* his Dutcheſs, perſwade the Elector that his Phyſician *Gaſper Peucer*, and others were entred into a Conſpiracy againſt him, upon which they are caſt into Priſon, and endure extraordinary hardſhip, as *Gaſper Peucer* ſhews at large, in the Hiſtory of his ten Years Impriſonment. Here two things were principally objected, falſe Doctrine, (*Calviniſm*) concerning the Sacrament; and Conſpiracies, and Seditions to maintain it. But what colour was there for the laſt? what Reaſon for it? Theſe were the common Cauſes of Perſecution; Pride, impatience of Oppoſition, falſe Witneſs, Jealouſy and Wrath. But yet our Theological Controverſies at home, are not of that nature; and the matters in Debate are *Queſtiones Medicabiles*, as ſome of the Ancients ſpeak; and yet behold Diviſion and Strife! And conſidering how irreconcilable the rigid *Lutherans* are to the moderate

Sleidan, p. 20, 21.

Hiſt. Carcerum.

Diſciples of *Melanthon*, which are noted with the odious Name of *Calviniſtical*: And how intirely our *Nonconformiſts* agree with the Articles of the Church; their Sufferings are more to be wondred at, from Orthodox Proteſtants, than the other from violent *Lutherans*. There was a third Party that made the difference, and the Advantage of the Miſeries of them that ſuffered; and ſo there is a third Party among us, not unknown to us. But why, 1. Diviſions ſhould be made that need not. 2. Why continued; and, 3. Why the weaker Part ſhould be ſeverely uſed, is a greater wonder. It is a clear Indication, that they who are for a Proſecution, are not for a Reconciliation. Striking is not the way to heal our Bruiſes; It was a great fault in the *Corinthians*, to go Law, Brother with Brother; nay, you do wrong and defraud, and that your Brethren, 1 *Cor.* 6. Are there not thoſe Saints in *England*, that ſhall judg the World, and Judg Angels? And are there not ſuch to be found, as will judg in this moſt unhappy Controverſy, and bring it to an Accommodation, if not to an End, that there may be nothing like a Perſecution in the Church of *England*?

Obj. But ſay ſome of us, Why will the *Nonconformiſts* divide from us? why will they not unite and ſubmit?

Anſw. You may as well demand, why will they not part with their Reaſon, and their Conſcience; for theſe are the things they follow, as they confidently affirm; and for which they have forſaken great things, and ſeem ready to forſake all, that is dear to Men.

Obj. Shall the Church yield to Schiſmaticks, and break her Orders for the ſake of Schiſmaticks!

Anſw. My Buſineſs is not to dictate to the Church; altho it is plain, the Church may be a glorious and perfect Church, and condeſcend to much, that is not ſo much as an integral part, nor ſo neceſſary to it as a ſhadow to the Body. 2. But ſuppoſe them to be Schiſmaticks, the Queſtion is, What's to be done with them? Are they to be dealt with by rational Means or Violent? I am not ſatisfied, that this which we call Schiſm, is ſo groſs and dangerous as that at *Corinth*. It was a great one, that came to this; Is Chriſt divided? or was *Paul* crucified for you? or were you baptized in the Name of *Paul*? But what courſe did the Apoſtle take to heal it? He had a Power which was anſwerable to the temporal Sword. I find he uſed none, but Inſtruction, Perſwaſion, and Reprehenſion. *Are ye not carnal?* If any ſhall maintain Schiſms, and Contentions, by Violence, as the *Donatiſts* did, then ſubdue them by Power.

See 1 Cor. 1, 2, 3. *ch.*

Obj. But doth not the Apoſtle ſay, *I would they were cut off that trouble you?* Gal. 5. 12.

Anſw.

Answ. 1. It is clear, that they who troubled the *Galatians*, were the Ceremonialists, that preached Circumcision, contrary to the Liberty to which the Christians were called. 2. This cutting off, was not by the Magistrate's Sword, nor was it intended it should ever mean him, in the after-times, when Magistrates should be Christians; it was the Apostle's zealous Wish, alluding to their Circumcision, and amounts to that, *Ch.* 1. 8. *Let him be accursed*, &c. They falsly reported that *Paul* preached Circumcision, which he was so far from doing, that he looks upon them as Disturbers of the Peace of the *Galatians*, and Settlement in the Faith, and wisheth them worse than Circumcision, even Amputation. *Musculus* speaks the clearest of any Man I know, to the Words. 1. Saith he, These false Apostles did so insinuate and cleave to the Church; *perinde atq; pestis Corpori*, there was no avoiding of them. 2. They were the Apostles of Satan, Wolves in the Flock, and a Pestilence in the Body of the Church, and were not of the number of the Faithful. 3. From what doth he wish them cut off? even from the Body of the Churches of Christ. 4. *He wishes they were cut off.* Let us be admonished by this Example, that many things fall out, or happen in the Church, which are rather to be cut off by the Wishes of the Minister, than by Fact; he may wish what he cannot actually do. This Text is not applicable to our Brethren, and yet inconsiderate Zeal doth wound them with it. Indeed the same good Expositor doth wish the Magistrate would take away in his time, those false Teachers and Pastors, which indangered the Salvation of Believers.

Obj. But who have preached and written more against Toleration than they who now plead for it? Why should they have what they would not grant, when they would have got the Power to themselves in their way?

Answ. This Argument carries more Prejudice than Strength in it, and doth rather throw them off like self-contradicting, troublesom Men, than really convince them. And I might answer for them in this one Sentence, That they who were against the Toleration of the pernicious and intolerable, were never for the Suppression of such as themselves, who were both sound and tolerable.

2. Neither is there any thing extracted out of the Sermons preached before the long Parliament, or other Treatises, that doth prejudge their Claim to what they ask.

1. They do assert the Magistrates Power in matters of Religion in particular, to keep Men from infecting their Subjects with foul destroying Errors; Blasphemous, Heretical, Idolalatrical Opinions. The complaint of Dr. *Burgess*, is against *Putredinous*

See Mr. Calam. *Ser.* Decemb. 25*th*, 1644. *Ser.* Nov. 5. 1641.

Vermine

Vermine of bold Schiſmaticks, frantick Sectaries,--to mount our Pulpits, to offer ſtrange Fire, to expel the ableſt Miniſters in the Kingdom out of the Hearts of their People, as *Formaliſts*, Time-ſervers, no Miniſters of Chriſt, Limbs of Antichriſt, having no calling but from the Devil, that forſake our Aſſemblies as Babyloniſh and Antichriſtian. —— Take heed of thoſe Spirits of Error, of Indulgence to all ſorts of Sects be Schiſms, that plead it is the Peoples Liberty to be of what Religion they will, and their Opinions never ſo erroneous and pernitious.——

Id. Serm. Apr. 1645. Mr. *John Ward* of *Ipſwich*, did exhort the Parliament to take care of the juſt Liberties of God's People, not ſuch Licentiouſneſs, as is abus'd for a Cloak of Naughtineſs, *&c.* to ſet up Unity in Faith, that God's Name be not blaſphemed, his Day be ſanctified, his Goſpel preached, his Worſhip kept from Idolatry, and Superſtitions Innovations, his Miniſtry purged,

Serm. Mar. 26, 1645. planted, encouraged, Sacraments purely celebrated. It is more than neceſſary, and would take up too much time and place to examine all. That which they were againſt, was a general Toleration of all Religions of Idolatry, Hereſy, Blaſphemy, and for all Men to do what they pleaſed: They were againſt Mens publiſhing by preaching or printing, dangerous Opinions, ſuch as *Poligamy*, Arbitrary Divorce, Mortality of the Soul, no Miniſtery, no

Mr. Caſe's *Sermon* May 26*th*, 1647. Churches, no Ordinances, no Scriptures denying; the Divinity of Chriſt, and the Holy Ghoſt, and

Serm. Feb. 8*th*, 1646. other Opinions deſtructive of the Souls of Men. Mr. *Newcomen* is moſt full in ſtating the caſe of Liberty: 'Which (ſaith he) is not to be granted in ſuch things, as are 'injurious to God, and deſtructive of the Souls of Men, nor wherein the 'difference of Judgment, will neceſſarily and unavoidably, *ex natura rei*, 'produce a Rent or Schiſm. If a Liberty of Judgment be left, it is, firſt, in 'ſuch things as are not poſitively laid down in Scripture, therefore not in 'Fundamentals of Faith and Worſhip. 2. In things of private Practiſe: 'Care is to be had of keeping thoſe Opinions to our ſelves, not perplexing 'the Conſciences of others with them. Private Perſons of a differing 'Judgment if they live quietly, frequent the publick Aſſemblies of Worſhip, 'and are not diſcerned to diſturb the Peace either of Church or State, by 'any ſecret underminings, are to be tolerated in hope of their Converſion, 'and for publick Peace ſake. Much hath been yielded, yea almoſt any thing 'but that one thing, that would lay a Foundation of perpetual Diviſion, 'and Diſunion in Families, Church, and Kingdom: Thus he. And what is there in all this, that hath Conviction, or any Reaſon to ſilence them, that they cannot open their Mouths for a Connivance to themſelves?

Yea,

Yea, I humbly conceive, there is nothing but what commends the Ministers of the like Perſwaſion, to publick Favour, as being Orthodox, and ſound Men, fit for a greater Favour, than a bare Permiſſion or Toleration.

Obj. The *Presbyterians* were againſt the Toleration of Independency, therefore it is unreaſonable for them to ask, and as unfit for the Church to grant the ſame to them; the Conſequences of which Conceſſion, if made to them, will be as prejudicial to the Church and State, as Independency would have been to them.

Letter of Presbyterian Miniſters of Lond. *to the Aſſemblies of Divines againſt Toleration*, Dec. 18*th*, 1645.

Anſw. 1. There hath been no ſuch thing deſired, ſince the King's Return (that I know of) as a Toleration of the *Presbyterian* Government. 2. One great Reaſon againſt the Toleration, was, becauſe the *Independents* had not declared what they held, nor circumſcribed the Perſons, and the things, which they deſired. 3. How far the Aſſembly and the *Presbyterians* condeſcended; and indeed how amicably both Parties debated the Controverſy, is to be ſeen in the Papers of Accommodation; there was a Committee appointed for Accommodation, *November* 6th, 1645. After the Paper of the Diſſenting Brethren, in Anſwer to the Committee of Divines, *December* 23d, 1645, 'It is reſolved upon the Queſtion, That they which 'agree in the Subſtance of the Worſhip of God in the *Directory*, according 'to the Preface, and agree in the *Confeſſion of Faith*, and with the 'Doctrine of the Reformed Churches, contained in their Confeſſions and 'Writings, as we do, who differ from our Brethren 'in matters of Diſcipline, ſhall have the benefit of 'this Indulgence. *P.* 42. This I hiſtorically relate, to ſhew, tho the *Presbyterians* of *Lond.* were againſt a Toleration of they knew not what, yet the Aſſembly took pains by way of Accommodation, till they were diverted from all Proceedings. And now, if they had Power to aſſign it, the *Congregational* ſhould have a Brotherly Indulgence, that are ſound in Faith, *&c.*

Reaſons of the Diſſenting Brethren, &c. London, 1648.

Obj. But the *Diſſenters* are under the ill Eye of the Law, and no more innocent than the *Papiſts* in the Eye of the Law, and there is fear of them; ſo the *Fol.* Pamphlet of Rebellion, printed by *B. Took*.

Anſw. I ſay the *Proteſtant-Diſſenters* are not under the evil Eye of the Law, altho under the ill Opinion of ſome that wiſh them executed. If they ſowed Seditious Principles, moved Inſurrections, or poyſoned the King's Subjects, they were moſt deſervedly under the angry Brows of juſt Laws.

2. What

2. What if they were, what then? Thoſe over-voting Numbers in that Houſe of Commons, are under the ill Opinion of the Land, have been noted by that very Parliament, and ſince.

3. That very Parliament in 1672, and all our Parliaments ſince, have entertained better Thoughts of them.

4. The King hath deſerved ſome more Reſpect and Reverence from them that ſeem to exceed in Loyalty, than to have his Deſires in his Speech at the paſſing the Act of Oblivion, diſregarded as it is; and he expreſſed himſelf more graciouſly of them, in many Paſſages of his Declaration about Eccleſiaſtical Affairs, offered Dignities, Biſhopricks, and gave Degrees to ſome of thoſe very Men, that this Gentleman thinks to prejudice by his Paper.

5. Till the Act *de Heretico Comburendo*, was taken away, this very Writer, if he be a reſolute *Proteſtant*, was under the evil eye of the Law, and may be under the evil eye of the 35*th* of *Elizabeth*, if he continue ſo, and the whole *Proteſtant* Part of the Kingdom; and who were under the Aſpect of the Law of the ſix Articles? But I ſay the *Proteſtant Diſſenters* are not under the evil eye of the Laws, but the Seditious; and his many Lines are ſo many Slanders in many places, and impoſe upon the Reader things, which are contrary to our ſenſes. I can as ſoon believe *Popery*, as that *Proteſtant Diſſenters* are Enemies to the Government: But what can be anſwered to ſuch a Gentleman, that ſays, An Angel from Heaven, might manage (his Argument) with greater Skill, but not produce more Demonſtrative Truth: That is to ſay, An Angel from Heaven, might write more like an Orator than he, but not be a better Logician than he. 'But he ſeems to be one of that ſtrange ſort of People among our ſelves, 'that (as Dr. *Burnet* ſays in his late excellent Sermon before the Lord 'Mayor of *London*) are not aſhamed to own a greater Averſion to any 'ſort of *Diſſenters*, than to the Church of *Rome*.

Thus I have made my way to the Concluſion, and as I did begin, ſo I will end, with humble Application to the Magiſtrates.

But to all this, the Magiſtrates will ſay, they have an Anſwer ready, *viz.* They do the Duty of their places, and perform their Oaths, and they hope God will not judg them as Sinners, for doing their Duty according to their Oaths; and that the Kingdom of God may come, tho there were not one *Nonconformiſt* left among us.

Noble Gentlemen! An Oath is ſacred, and the wilful Violation of it, a dreadful Sin, provoking the Divine Diſpleaſure: The caſe is hard, and really worthy of ſerious Thoughts. For, that learned, and able ſound Men, tho *Nonconformiſts*, ought not to be puniſhed; but on the contrary, protected, permitted, if not encouraged, ſhould be granted without any Diſputa-

Diſputation. The Accuſation of Rebellion, beginning the Wars, their Cantings, and Tones, and Fanaticiſm, are really the Abuſes of ill-tempered Men, and of factious, and narrow Spirits. Wiſe, ſober, juſt, and charitable Divines and Chriſtians, that know their own defects, what weak Inſtruments God hath uſed in his Church, for greateſt Services, and what Temptations attend their Callings, and how great a diſadvantage to them, and hindrance to their Learning and Proficiency, their neceſſities forcing them to ſell their Studies; their many Removes, Troubles in their Families have brought upon them, will think and ſpeak otherwiſe of them; and God hath born Witneſs to many of them, and given them Gifts, not inferiour to thoſe that deſpiſe and expoſe them, rather like Poets and Painters, than wiſe impartial Judges, or Witneſſes, or Men of Charity. Men in Power ſhould look before they ſtrike, leſt they pluck up any one of thoſe Plants, which the Heavenly Father hath planted, and ſtrike the Apple of his Eye. And on the other hand, it ſeems hard to cenſure Magiſtrates for executing the Laws, which ſeems to be a Duty.

For ſatisfaction of this great Doubt, I do with all juſt Honour to Magiſtrates, and Reſpect to their Conſciences, and Comforts, humbly offer ſomething:

1. It is clear and certain, That no Juſtice of the Peace is bound by his Oath, or Place, *to promote* the Diſturbance or Sufferings of the *Nonconformiſts*. If any ſay, They cannot ſee the Laws broken; true, by Routs and riotous Meetings, that violate the Peace. It is a Fancy and an imaginary Fear, to ſay, We do not know what Miſchief may be in the Meetings of many hundreds, or fewer. There are thouſands meet at Fairs, and Markets, and too many are drunk and diſorderly, and what fear is there of their Meetings? what diſturbance to the Peace? What need of the *Militia* to keep them quiet, or to prevent Inſurrections? What Peril is there in the Meetings of Miniſters, and Chriſtians of all Sexes and Ages, unarmed, and innocent! It is hard to think they cannot preach, and pray, and ſing Pſalms, but they muſt then ſpeak Treaſon, move Rebellion; that in their civil Converſation, are as peaceable as other Men, and careful of Words and Actions; much leſs, is it their Duty to imploy or encourage Men of ill Fame, and broken Fortunes, to be Witneſſes againſt them; even ſuch, as are not fit to follow their Dogs, or rub their Horſes, have been the moſt forward in informing.

2. When Information is brought before them, this is alſo certain, that except it be proved, by better Teſtimony than what is uſually given, that ſuch a Meeting was only upon pretence of Religion, but there was no ſuch Religious Exerciſe; but on the contrary, falſe, ſeditious, rebellious Doctrine was preached, or the People were ſtirred up to Diſobedience;

the Testimony doth not reach the end, or matter of the Act, and by Consequence, the Justice is not bound to take notice of it. If he upon such an Information, that such a Man, preached to such a Number, in such a place, and such a time, shall issue forth his Warrants, then he punisheth Religious Exercises absolutely, and not respective to the ill Designs of Rebellion, and the like. I do conceive, except the Proof be, that such a Minister or Preacher, did move to Sedition, or Rebellion, or other Ends, forbidden, a Justice is not bound by his Office, to punish them; if upon the common Information that is given, that such a Man preached, and such were present, and no such Words tending to Rebellion proved, or offered to be proved: Then I beseech you consider, whether upon pretence of preventing or punishing Seditious Meetings, you really exercise your Power to obstruct, discourage, or punish peaceable and good Subjects, for Religious Exercises? And so, as it is a horrid Wickedness in any Man, upon pretence of Religious Duties, to carry ill Designs against the Government; so what is it, to pretend ill Designs, where there are no such things, as much as implied in any Discourses, and to punish Men for Religious Exercises?

3. It is certain, a Justice may enquire and try the fitness of the Witnesses, whether they be idoneous, *boni & legales Homines*; they should be Men of Knowledg and Understanding, of Probity and Truth, and of Estates; Men that know what they can attest, punctual as to words spoken, and the true sense and scope of them, and Witnesses that will not lye, that know what it is to swear, and that fear a Lye, and the common Sin of Perjury. If a Mans word cannot be taken, his Oath may be refused, especially in a matter wherein his own Gain is the prime motive to his Testimony, and swearing. In such a Case it is great Charity in the Magistrate, to dehort the Informer from his swearing ignorantly, rashly, or falsly; and he cannot without great suspicion of Sin, if not plain Sin, forwardly take the Testimony upon Oath of Ignorant, ungodly, and scandalous Informers. I never yet knew, or heard of any other sort of Men, that gave Testimony against the *Nonconformists*, as may appear in due time.

4. It is certain, no Justice is bound by Oath, to misapply the Laws, either without respect to the scope of them, or the Persons upon whom they are executed; I have taken notice of this, in the fore-going Discourse. I am now more confirmed, that the Act of the 35*th* of *Elizabeth*, was a two-edged Act, but made and pointed more directly against the *Papists*, than any other. In that Parliament, Sir *Tho. Egerton Lord Keeper*, Sir *Rob. Cecil*, *Secretary of State*, Sir *John Woolley*, Sir *John Forteſcue*, did all declare or confirm, "That the occasion of that Parliament, was the cause of "Religion, the Maintenance thereof, the Preservation of Her Majesties "Person,

Perſon, and the Good of the Realm. (Mark I beſeech you.) *The Enemy of theſe is the King of* Spain, —— *and the Pope the Anti-chriſt of Rome,* ſaid Sir *Rob. Cecil. From the holy League, and the Papiſts (the holy League of the* Guiſians, *to root out the Proteſtants in* France) *ſaid Sir* John Wolley. *They that ſpake before me, ſpake ſufficiently of the Authors of our Troubles, ſaid Sir* John Forteſcue. I did look with great Expectation for ſome full Diſcoveries of fears and dangers from the *Puritans* in thoſe Days, but could not find a word concerning any, but the *Browniſts*, which were ſpoken of by Sir *Walter Rawleigh*, and deſerve to be tranſcribed. —— In his Conceit, the *Browniſts* were worthy to be rooted out of a Common-wealth; but what Dangers may grow to our ſelves, if this Law paſſeth, it were fit to be conſidered; for it is to be feared that Men not guilty, will be included in it. And that Law is hard that taketh Life, or ſendeth into Baniſhment, where Mens Intentions ſhall be judged by a Jury, and they ſhall be Judges what another Man meant. But that Law that is againſt a Fact that is juſt, and puniſh the Fact, as ſeverely as you will, *&c.* (as was quoted before, from that great and famous Man.) —— to turn this Law upon Orthodox, ſound Men, and ſpare the *Papiſts*, is too plain a perverſion of the Law, from the ſence of the greateſt States-men, in that proſperous Reign of Q. *Elizabeth*; no Juſtice can pretend Obligation from his Oath, or Conſcience ſo to do.

Ex. Mr. Townſhend's *Hiſtorical Collections of the 4th Part of Queen* Elizabeth. *An.* 1593. Eliz. 35*th*, p. 58, 59.

I have ſhewed in the foregoing Plea, our N. C. *are not* Browniſts; *Collections* p. 76.

But now our N. C. *are not as much as tried by a Jury; but upon the Evidence of a ſcandalous Informer, and Villains, hired by him, to ſwear what is for his coveted Gain.*

5. They are no more obliged by their Office, to execute theſe Laws againſt *Diſſenters*, than they are to execute other Penal Laws. Is there not a Law, that no *Papiſt* ſhall go above five Miles from his own Houſe, or place of Abode after lawful Conviction? Are all *Papiſts* convicted according to Law, and do they keep their Bounds? Is there not a Law of this Kings, for Obſervation of the Sabbath? and who is convicted or puniſhed by it? Is there not a Law prohibiting Gaming, above one hundred Pound at one meeting? and have all Gentlemen and Gameſters kept it? The Act for 12 *d.* a Sunday, for not coming to Church, was intended againſt the Negligent, and not the Recuſant, it being againſt Law to puniſh Men for the ſame fault twice: as Mr. *R. Owen* ſaid upon the debate upon that Bill. But the *N. C.* are

Elizab. 35th, *c.* 2.

Collect. ib. p. 173.

are and have been punished many times, and ways. Who can tell how many thousands of negligent Persons live in *London*, that go neither to Church, nor Conventicle; and who is so zealous against these, as against Conventicles? Surely then the Obligation of the Justice's Oath, is not taken to be so strict in some, as in all Cases, (as indeed they are) or else a Justice is not bound to enquire after Transgressors, but to keep his own Place, and do Justice when complained unto.

6. But suppose, That the Informers of Conventicles, are honest and true Men, idoneous and fit, for the Meeting be notorious: then consider, that the Law requiring the Justice to proceed against them, is a Penal Law: 'Any Justice of the Peace, or Chief Magistrate that shall wilfully omit the 'performance of his Duty in the prosecution of this Act, shall forfeit a hun-'dred Pound, one moiety of it to the Informer, but to whom the other moiety shall be forfeited is not expressed. If the Informer will be so couragious, as to sue the Justice so omitting his Duty, he loses 50 *l.*

Now the difficulty lieth in this, The Law against Conventicles doth require the Justice of Peace, or chief Magistrate, to make Record of such an Assembly; that makes it his Duty, or in case of Omission, he shall forfeit 100 *l.* (if the Informer will be so bold as to sue for it) here's the Penalty; the Law is a mixed, and not purely Penal Law. If any Magistrate be so strictly conscientious, as to hold himself bound to execute his Office, he may inquire into two things; First, The goodness and necessity of the Law, which makes his Duty necessary. Secondly, His Omission is supposed, and upon that Supposition, his Penalty is assigned.

For the first, There is no scruple to be made, if any do under pretence of Religious Exercises, contrive Insurrections, but then it is the Magistrate's Duty to God, the King, and his Government, to execute the Laws. But,

2. No such Crime being proved, but pretended, to suppress all Religious Exercises, performed without the Liturgy, and the Penalties being grievous to the Subject, and the Law, in effect, declared to be grievous by several Parliaments, altho the Law be actually in force, yet it is under the Censure of Parliaments, and hath lost its credit, and reputation of Goodness, and must be looked on, as one of those Laws that are better null'd than continued; and the Execution of it must be suspended, as tending to unnecessary vexation of good Subjects, and a scandal upon the *Protestant Dissenting Brethren*, to render them as suspitious as our Enemies, the *Papists*. And if we may guess at the Law, by the Penalty upon the Justice that omits his Duty, or rather at the Intention of the powerful part that carried it; they did not so much provide against Insurrections, as against the total ruine of the *Nonconformists*: for can the forfeiture of a an hundred pounds be a sufficient punishment upon him, that omits to make

make a Record of so mischievous a Contrivance as an Insurrection! no, not the greatest Estate in *England*, can recompence such an Omission; nor is the Life of any Justice an equal Punishment. To the second, I propose this, The Omission being supposed, the Forfeiture is certain (if the Informer will be so daring) but 50. *l.* First, Whether it be not better, that a Justice of the Peace, or Magistrate, should venture the Loss of 50 *l.* which he doth but venture (for what Informer will dare to sue Gentlemen of Honour, Estates, and Interest?) than many Families should be utterly undone? Secondly, If the Execution be better forborn, as I hope I have cleared, then it were better a Justice of Peace should lay down his Commission, than act against the real Interest and Union of *Protestants*, and make spoil of many Mens Estates. Thirdly, If Forfeitures upon Justices should be recovered, and the payment too heavy for them to bear; then they may do great Service to their King, to the Church, to their Country; 1. To the King, as *Pliny* did to *Trajan*, concerning the Christians, *sed nihil aliud inveni quam Superstitionem pravam & immodicam*; representing to the King, they find no Seditions, nor Insurrections, nothing among the *Nonconformists*, but their Nonconformity. 2. To the Church by the same Representation, as a means to heal us. 3. To their Country, by forbearing the ruine of thousands of Familes.

But if you shall for saving 50 or 100 *l.* or for ambition of a Place of Power, or to rise into Business and Preferment, or from Prejudice against *Nonconformists*, or distaste and enmity at Religion, proceed, you sin exceedingly against God and Man.

I beseech you, Honoured Sirs, despise not the humble Address of a Minister of Christ in the Church of *England*, on the behalf of Christ, and his divided Church, and multitude of precious Souls; and out of Duty to your selves, lest you be found abusing your power against Religion, in Zeal to those things, which are but Modes and Forms, which commend no Man to God. Shall I say, it had been good for many, they had never bin Justices, or Magistrates? or that some had never been born, than be the occasion of great Shame, and Reproach, great and many Losses, and Sufferings to Ministers, in their Names, Estates, Health, &c. of great Trouble and Affliction to many tender Wives, by Frights, and Separation from their Husbands; yea of Sickness and Death to many of the holy Servants of Christ: Many oppressed Families groan under their Losses and Sufferings, and pray for them that have persecuted them from one Country to another, from one Prison to another; and if God hear their Prayers, then many of their Afflicters must repent, and should repair their Losses for Conscience sake. Many very dark and rude Places and People have been inlightned, many young and dissolute Persons have been converted by Prayers,

ers, Preaching, and Books of the *Nonconformiſts*. If you ſuppreſs their Teachers, if you give order to ſpoil them of their Goods, you ſtarve the Nurſe, and kill the Souls of many thouſands that are nurſed, and brought up by their Miniſtry, with the ſincere Milk of the Word of God. That I may not be a lamenting Spectator of a doleful Tragedy, I have taken this freedom, and uſed plainneſs of Speech, and convincing Reaſons to my power. There is a great Chaſm and Breach, and ſee how God puniſheth us for not healing the firſt Diviſion. General *Monk* uſed the word *Fanatick*, in the Parliament, when he declared himſelf, more properly, than it hath been ſince applied. How did the word take and ſpread? how was it applied and miſapplied! Others called thoſe Men *Fanaticks*, who were a great, wiſe, ſober, loyal, conſiderable part of the Nation. Here a Separation began! A great number of holy and able Paſtors are caſt out, to the great grief of more than themſelves. A Breach is made by a ſtanding Law within the Church, and Kingdom; ſome have made a Diviſion of Church-men, and moderate, of Presbyterian Biſhops, and rigid, of Proteſtant Biſhops, *&c.* — And ſince, of Petitioners, and Abhorrers of Addreſſes, and Non-Addreſſes; and now under ſcandalous and vile names of *Whigg* and *Tory*. Our Church-Diviſions eat into the very heart of the Kingdom. We ſeem to be disjoyned in the National-Intereſt, by a prevailing, factious, private Spirit. Friendſhip and Acquaintance, and Truſt, and Confidence are broken! Oh how menacing is this Judgment! Popery watcheth its Opportunity to get up triumphant and regnant. Perfidiouſneſs hath engaged to open to it, and Perjury and Perſecution are the moſt conducing means to introduce it. Cut off the *Nonconformiſts* firſt, beggar, and famiſh, and lay them faſt; next compoſe a Teſt, in the nature of the *Sphinx Auguſtana*, or *Caſſadran* Conſultation for the *Conformiſts*, to ſeparate the Moderate from the Genuine, and what next? The fear of which, and compaſſion to Poſterity, and zeal for true Religion, would make a dumb Man ſpeak, and he that cannot, write. Noble Sirs, If you will not hearken to Reaſon, befriend Religion, believe your Senſes, and deny a carnal Intereſt, for an eternal; imitate the Clemency of our Gracious King (whom God long preſerve) who is over us, as *Seneca* ſpeaks of the King of Bees, He hath no Sting; *Rex ipſe ſine aculeo eſt.* But if you are reſolved, or engaged in ſuch a Work, Be pleaſed to do theſe things.

1. Laying aſide Prejudice, ſtudy the Caſe of the *Nonconformiſts*, and their Reaſons for it; you ſhall find it beſt, and cleareſt, in the Account of the Proceedings in the *Savoy*, and Petition for Peace; In Mr. *Baxter's Pleas* for the *Nonconformiſts*, Apology to the Biſhops; Defences againſt Dr. *Stillingfleet*, and Dr. *Hinkley*, and others: And the Queſtions in Controverſy, clearly

London, 1661.

clearely ſtated by Mr. *Giles Fermen*; I ſuppoſe you have read the other ſide.

2. Conſider what is, and hath been preached and written for Accommodation; and do not account them the worſt, but the beſt Divines, that have been and are for Accommodation; and ſee what was done by thoſe Great Men, Lord-Keeper *Bridgman*, Chief-Juſtice *Hale*, Bp *Wilkins*, *&c.*

3. Oppoſe not, but conſider the Reaſons of the Long-Parliament, 1. in making theſe Acts; 2. Their, and ſucceeding Parliaments Debates and Reſolves for Union of *Proteſtants*.

4. Is this a time to afflict *Proteſtants* at home, when we entertain perſecuted *Proteſtants* from abroad?

5. Lay aſide all private worldly Intereſt. Peace was never preſerv'd by Faction; it is inconſiſtent with Juſtices of the Peace to ſuppreſs a Faction, by being factious.

6. Be clear from all ſiniſter Pre-conceits, Paſſion, and Diſaffection to Practical Holineſs and Piety.

7. Be aſſured you muſt give account to Jeſus Chriſt of your Adminiſtration; and this is your time to act and ſhew your Faith, Hope and Love to Chriſt, his Goſpel, his People, your deteſtation of Impiety and Sin, and to be true to your Selves, and your eternal Concernments.

8. Receive not ill Reports (act not by them) of them that differ from you.

9. Pre-conceive the Effects of your Proceedings, whether they will be for God's Glory, the King's Service, the Kingdom's Good, and for your own Peace and Comfort when you come to dye.

10. Pray for a Bleſſing upon your Proceedings; ſee what Approbation he hath given, and whether it be likely to pleaſe or diſpleaſe him. If God hath bleſſed, or proſpered them that did execute the Laws, then it is an Encouragement to you: if not, forbear.

Conſider what is ſaid by *Gamaliel*, Act. 5. 38, 39. *Refrain from theſe Men, and let them alone: for if this Counſel, or this Work be of Men, it will come to naught. But if it be of God, you cannot overthrow it, leſt haply ye be found even to fight againſt God.*

And by our Gracious King in one of his Declarations, *viz.* —— *It being evident by the ſad Experience of twelve years, that there is little fruit of all thoſe forcible Courſes, &c.*

FINIS.

ERRATA.

PAge 2. *line* 34. *reade* open. P. 4. *l.* 30. *r.* Me. P. 6. *Marg. r. Perſecutione. ib. Marg. r. Ænei.* P. 27. *marg. r. ferri.* p. 30. *marg. after* thankful remembrance, *c.* 13. add *Hiſtorical Collections in the Addreſs.* p. 36. l. 2. *r.* ſome few. p. 41. l. 12. *r.* of the Law. *ib.* l. 16. *r.* if you all proceed, &c. P. 44. l. 27. *r.* to procure. P. 48. l. 1. *f.* Severity, *r.* Security. P. 49. l. 36. *r.* for not ſubſcribing only. P. 51. l. 13. *r.* ſuch as have. p. 57. five laſt lines muſt be thus read: — and why may not fallible Impoſers be deceived, ſay they. If they ſuffer for not ſinning againſt God and Conſcience, if they ſuffer for performing Religious Exerciſes, they ſuffer for Religion, according, &c. p. 60. l. 36. *f.* caſe, *r.* cant.

The Reader is entreated to pardon, or correct the reſt; the Author, being remote from the Preſs, has not ſeen all the ſheets.

FINIS

K. CHARLES I.

BEHOLD, O King! The Power of Words.

Beware of exasperating any Factions by vile Cavils and Aspersions of some Mens Actions, Humours and private Opinions employed by you, grounded only upon Differences in Lesser Matters, which are but the Skirts and Suburbs of Religion.

— Wherein a charitable Connivance, and Christian Toleration often dispenses their Strength, when rough Opposition hurts.